

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 387

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KELLY AND THERRIAULT, Rokeberg, Kohring

Introduced: 1/19/96

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to minors and to offenses committed by minors, and to
2 programs relating to minors; relating to the use of citations for offenses when the
3 offenses are committed by minors, and authorizing disposition of those offenses by
4 citations that require performance of community service in lieu of a court
5 appearance; establishing a curfew for minors, and authorizing municipalities to
6 establish curfews by ordinance; relating to the detention of minors, defining certain
7 conduct by minors as violations, and amending the criminal jurisdiction of the
8 district court to provide for the disposition of certain offenses involving minors;
9 and amending Rules 3(b) and 23(d), Alaska Delinquency Rules."

10 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

11 * **Section 1.** AS 10.06.961(a) is amended to read:

12 (a) Notwithstanding AS 13.46.085 or the appointment of a guardian of the

1 property of the minor under AS 47.10.010(c), when a minor who is in the custody of
2 this state under AS 47.10.010 - 47.10.142 or AS 47.12 [AS 47.10.010(a)(2)] or of
3 another state under a provision similar to AS 47.10.010 - 47.10.142 or AS 47.12
4 [AS 47.10.010(a)(2)] becomes entitled to receive dividends or other distributions
5 resulting from the ownership of stock or a membership in a corporation organized
6 under this chapter and under 43 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement
7 Act), the corporation paying the dividends or making the other distributions shall retain
8 the dividends and other distributions in an interest bearing account for the benefit of
9 the minor during the state custody.

10 * **Sec. 2.** AS 12.62.900(11) is amended to read:

11 (11) "criminal justice information" means any of the following, other
12 than a court record, a record of traffic offenses maintained for the purpose of
13 regulating drivers' licenses, or a record of a juvenile subject to the jurisdiction of a
14 [THE JUVENILE] court under AS 47.12 [AS 47.10]:

15 (A) criminal history record information;

16 (B) nonconviction information;

17 (C) correctional treatment information;

18 (D) information relating to a person to be located, whether or

19 not that person is wanted in connection with the commission of a crime;

20 * **Sec. 3.** AS 12.63.010(a) is amended to read:

21 (a) A sex offender who is physically present in the state shall register as
22 provided in this section. The sex offender shall register within

23 (1) seven days of release from an in-state correctional facility;

24 (2) seven days of conviction for a sex offense if the sex offender is not
25 sentenced to a term of incarceration; [OR]

26 (3) 14 days of becoming physically present in the state, except the sex
27 offender shall register within seven days of becoming physically present in the state
28 if the sex offender

29 (A) is a probationer or parolee being supervised by the state as
30 the receiving state under AS 33.36.110 - 33.36.120; or

31 (B) has been released from an out-of-state correctional facility

1 where the sex offender was serving a term of incarceration for a sex offense
2 conviction in this state; **or**

3 **(4) seven days of the later date set out in this paragraph if sex**
4 **offender registration is required under AS 47.12.100(i):**

5 **(A) the offender's 19th birthday; or**

6 **(B) the date on which an extended commitment of a minor**
7 **under AS 47.12.100(b)(1) - (3) expires.**

8 * **Sec. 4.** AS 12.63.020(a) is amended to read:

9 (a) The duty of a sex offender to comply with the requirements of
10 AS 12.63.010 for each sex offense

11 (1) continues for the lifetime of a sex offender convicted of two or
12 more sex offenses;

13 (2) ends 15 years following the sex offender's unconditional discharge
14 from a conviction for a single sex offense **or following the sex offender's duty to**
15 **first register where the registration was required under AS 12.63.010(a)(4).**

16 * **Sec. 5.** AS 12.63.100(2) is amended to read:

17 (2) "sex offender" means

18 **(A) a person convicted of a sex offense in this state or another**
19 **jurisdiction regardless of whether the conviction occurred before, after, or on**
20 **August 10, 1994; or**

21 **(B) a person who a court finds,**

22 **(i) under AS 47.12.100(a), is a delinquent on the basis**
23 **of the minor's commission of a sex offense; and**

24 **(ii) under AS 47.12.100(i), has not successfully**
25 **completed the treatment plan of the minor's predisposition report;**

26 * **Sec. 6.** AS 22.07.020(a) is amended to read:

27 (a) The court of appeals has appellate jurisdiction in actions and proceedings
28 commenced in the superior court involving:

29 (1) criminal prosecution;

30 (2) post-conviction relief;

31 (3) [CHILDREN'S COURT] matters under **AS 47.12**

1 [AS 47.10.010(a)(1)], including waiver of [CHILDREN'S COURT] jurisdiction over
2 a minor under AS 47.12.080 [AS 47.10];

3 (4) extradition;

4 (5) habeas corpus;

5 (6) probation and parole; and

6 (7) bail.

7 * **Sec. 7.** AS 22.15.100 is amended to read:

8 Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND
9 MAGISTRATE. Each district judge and magistrate has the power

10 (1) to issue writs of habeas corpus for the purpose of inquiring into the
11 cause of restraint of liberty, returnable before a judge of the superior court, and the
12 same proceedings shall be had on the writ as if it had been granted by the superior
13 court judge under the laws of the state in such cases;

14 (2) of a notary public;

15 (3) to issue marriage licenses and to solemnize marriages;

16 (4) to issue warrants of arrest, summons, and search warrants according
17 to manner and procedure prescribed by law and the supreme court;

18 (5) to act as an examining judge or magistrate in preliminary
19 examinations in criminal proceedings; to set, receive, and forfeit bail and to order the
20 release of defendants under bail;

21 (6) to act as a referee in matters and actions referred to the judge or
22 magistrate by the superior court, with all powers conferred upon referees by laws;

23 (7) of the superior court in all respects including but not limited to
24 contempts, attendance of witnesses, and bench warrants;

25 (8) to order the temporary detention of a minor, or take other action
26 authorized by law or rules of procedure, in cases arising under AS 47.10.010 -
27 47.10.142 or AS 47.12 [AS 47.10], when the minor is in a condition or surrounding
28 dangerous or injurious to the welfare of the minor or others that requires immediate
29 action; the action may be continued in effect until reviewed by the superior court in
30 accordance with rules of procedure governing these cases;

31 (9) to issue a temporary order for injunctive relief in cases involving

1 domestic violence as provided in AS 25.35.010 and 25.35.020;

2 (10) to review an administrative revocation of a person's driver's license
3 or nonresident privilege to drive, and an administrative refusal to issue an original
4 license, when designated as a hearing officer by the commissioner of public safety and
5 with the consent of the administrative director of the state court system.

6 * **Sec. 8.** AS 29.35 is amended by adding a new section to read:

7 Sec. 29.35.085. CURFEW. A municipality may, by ordinance, provide for a
8 curfew for persons under 18 years of age for whom the disabilities of minority have
9 not been removed for general purposes under AS 09.55.590 and who have not arrived
10 at the age of majority under AS 25.20.020.

11 * **Sec. 9.** AS 36.30.850(b)(11) is amended to read:

12 (11) agreements with providers of services under AS 44.47.250;
13 AS 47.07; AS 47.08; AS 47.10; **AS 47.12**; AS 47.17; AS 47.24; AS 47.25.195, and
14 47.25.310;

15 * **Sec. 10.** AS 43.23.065(b) is amended to read:

16 (b) An exemption is not available under this section for permanent fund
17 dividends taken to satisfy

18 (1) child support obligations required by court order or decision of the
19 child support enforcement agency under AS 25.27.140 - 25.27.220;

20 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,
21 or **AS 47.12.100(b)(4)** [AS 47.10.080(b)(4)];

22 (3) claims on defaulted scholarship loans under AS 43.23.067;

23 (4) court ordered fines;

24 (5) writs of execution under AS 09.35 of a judgment that is entered

25 (A) against a minor in a civil action to recover damages and
26 court costs;

27 (B) under AS 34.50.020 against the parent, parents, or legal
28 guardian of an unemancipated minor;

29 (6) a debt owed by an eligible individual to an agency of the state,
30 unless the debt is contested and an appeal is pending, or the time limit for filing an
31 appeal has not expired.

1 * **Sec. 11.** AS 44.21.410(a) is amended to read:

2 (a) The office of public advocacy shall

3 (1) perform the duties of the public guardian under AS 13.26.360 -
4 13.26.410;

5 (2) provide visitors and experts in guardianship proceedings under
6 AS 13.26.131;

7 (3) provide guardian ad litem services to children in child protection
8 actions under AS 47.17.030(e) and to wards and respondents in guardianship
9 proceedings who will suffer financial hardship or become dependent upon a
10 government agency or a private person or agency if the services are not provided at
11 state expense under AS 13.26.112;

12 (4) provide legal representation in guardianship proceedings to
13 respondents who are financially unable to employ attorneys under AS 13.26.106(b),
14 to indigent parties in cases involving child custody in which the opposing party is
15 represented by counsel provided by a public agency, to indigent parents or guardians
16 of a minor respondent in a commitment proceeding concerning the minor under
17 AS 47.30.775;

18 (5) provide legal representation and guardian ad litem services under
19 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on
20 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or
21 petitions for the termination of parental rights on grounds set out in
22 AS 25.23.180(c)(3); in cases involving petitions to remove the disabilities of a minor
23 under AS 09.55.590; in children's proceedings under AS 47.10.050(a) **or under**
24 **AS 47.12.070**; and in cases involving indigent persons who are entitled to
25 representation under AS 18.85.100 and who cannot be represented by the public
26 defender agency because of a conflict of interests;

27 (6) develop and coordinate a program to recruit, select, train, assign,
28 and supervise volunteer guardians ad litem from local communities to aid in delivering
29 services in cases in which the office of public advocacy is appointed as guardian ad
30 litem;

31 (7) provide guardian ad litem services in proceedings under

1 AS 12.45.046;

2 (8) establish a fee schedule and collect fees for services provided by
3 the office, except as provided in AS 18.85.120 or when imposition or collection of a
4 fee is not in the public interest as defined under regulations adopted by the
5 commissioner of administration;

6 (9) provide visitors and guardians ad litem in proceedings under
7 AS 47.30.839;

8 (10) provide legal representation to indigent parents under
9 AS 14.30.195(e).

10 * **Sec. 12.** AS 44.29.022(a) is amended to read:

11 (a) The commissioner of health and social services may establish by regulation
12 a schedule of reasonable fees for services provided by the Department of Health and
13 Social Services under AS 44.29.020(a)(1) - (8), AS 47.10, **AS 47.12**, AS 47.30.655 -
14 47.30.910, and AS 47.80.100 - 47.80.170. The fee established for a service may not
15 exceed the actual cost of providing the service. The commissioner may define or
16 establish the "actual cost of providing a service" by regulation. The Department of
17 Health and Social Services shall charge and collect the fees established under this
18 subsection. The department may waive collection of a fee upon a finding that
19 collection is not economically feasible or in the public interest.

20 * **Sec. 13.** AS 44.41.025(c) is amended to read:

21 (c) The department may enter into the Alaska automated fingerprint
22 identification system the fingerprints of a minor whose fingerprints are taken under
23 **AS 47.12.210** [AS 47.10.097].

24 * **Sec. 14.** AS 44.47.200 is amended to read:

25 Sec. 44.47.200. LEGAL ASSISTANCE AND JUVENILE JUSTICE GRANT
26 FUND. There is created in the department the legal assistance and juvenile justice
27 grant fund. From legislative appropriations to the fund, the department shall make
28 grants

29 (1) to eligible communities and regions for the purpose of enabling
30 them to obtain legal assistance; and

31 (2) to a nonprofit corporation established under **AS 47.12.500**

1 [AS 47.10.265] to operate as a youth court.

2 * **Sec. 15.** AS 44.47.210(b) is amended to read:

3 (b) Nonprofit corporations proposing to establish and operate youth courts
4 under AS 47.12.500 [AS 47.10.265] may apply to the department for an organizational
5 grant under AS 44.47.200(2). A grant under this subsection must be matched on a
6 dollar-for-dollar basis by the grantee in cash or in kind. The commissioner may waive
7 the match required under this subsection on a showing satisfactory to the commissioner
8 by the prospective applicant that matching funds are not available.

9 * **Sec. 16.** AS 44.47.220(b) is amended to read:

10 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of
11 organization of youth courts under AS 47.12.500 [AS 47.10.265]. The department
12 shall assure that the grant is spent for necessary organizational assistance and that
13 appropriate accounting procedures are maintained. Grants made under
14 AS 44.47.200(2) and this subsection may not exceed \$5,000. Only one grant may be
15 made to a grantee under authority of this subsection.

16 * **Sec. 17.** AS 47.05.060 is amended to read:

17 Sec. 47.05.060. PURPOSE AND POLICY RELATING TO CHILDREN. The
18 purposes [PURPOSE] of AS 47.10 [THIS TITLE] as that chapter [IT] relates to
19 children are

20 (1) [IS] to secure for each child the care and guidance, preferably in
21 the child's own home, that will serve the moral, emotional, mental, and physical
22 welfare of the child and the best interests of the community;

23 (2) to preserve and strengthen the child's family ties unless efforts to
24 preserve and strengthen the ties are likely to result in physical or emotional damage
25 to the child, removing the child from the custody of the parents only as a last resort
26 when the child's welfare or safety [OR THE PROTECTION OF THE PUBLIC] cannot
27 be adequately safeguarded without removal; and

28 (3) [,] when the child is removed from the family, to secure for the
29 child adequate custody and care and adequate planning for permanent placement of the
30 child.

31 * **Sec. 18.** AS 47.05.060 is amended by adding a new subsection to read:

- 1 (b) The purposes of AS 47.12 as that chapter relates to children are
- 2 (1) to separately restate laws applicable to the disposition of criminal
- 3 offenses that are committed by minors;
- 4 (2) to affirm that the purpose of that chapter includes protection of the
- 5 public and reformation of the offender;
- 6 (3) to provide that, for the most common of offenses committed by
- 7 minors, those punishable as misdemeanors or as noncriminal offenses, resolution
- 8 should require some form of sanction, that the form of the sanction should be certain,
- 9 that the imposition of the sanction should be swift, and that the sanction may take the
- 10 form of a reasonable claim on the time and talents of the minor who has committed
- 11 the offense;
- 12 (4) to ensure that, to the greatest degree possible, resolution take into
- 13 account the interests of the minor's family or guardian; and
- 14 (5) to provide that counseling provided to the minor must include the
- 15 minor's family or guardian, that the minor's family or guardian has the right to offer
- 16 suggestions and make recommendations for the correction of the minor's behavior, and
- 17 that the minor's family or guardian may be asked to participate in supervision of the
- 18 minor's treatment.

19 * **Sec. 19.** AS 47.10.010(a) is amended to read:

20 (a) Proceedings relating to a minor under 18 years of age residing or found in

21 the state are governed by AS 47.10.010 - 47.10.142 [THIS CHAPTER], except as

22 otherwise provided in AS 47.10.010 - 47.10.142 [THIS CHAPTER], when the court

23 finds the minor

24 [(1) TO BE A DELINQUENT MINOR AS A RESULT OF

25 VIOLATING A CRIMINAL LAW OF THE STATE OR A MUNICIPALITY OF THE

26 STATE; OR

27 (2)] to be a child in need of aid as a result of

28 (1) [(A)] the child [BEING HABITUALLY ABSENT FROM HOME

29 OR REFUSING TO ACCEPT AVAILABLE CARE, OR] having no parent, guardian,

30 custodian, or relative caring or willing to provide care, including physical abandonment

31 by

- 1 (A) [(i)] both parents,
2 (B) [(ii)] the surviving parent, or
3 (C) [(iii)] one parent if the other parent's rights and
4 responsibilities have been terminated under AS 25.23.180(c) or AS 47.10.080
5 or voluntarily relinquished;
6 (2) [(B)] the child being in need of medical treatment to cure,
7 alleviate, or prevent substantial physical harm, or in need of treatment for mental harm
8 as evidenced by failure to thrive, severe anxiety, depression, withdrawal, or untoward
9 aggressive behavior or hostility toward others, and the child's parent, guardian, or
10 custodian has knowingly failed to provide the treatment;
11 (3) [(C)] the child having suffered substantial physical harm or if there
12 is an imminent and substantial risk that the child will suffer such harm as a result of
13 the actions done by or conditions created by the child's parent, guardian, or custodian
14 or the failure of the parent, guardian, or custodian adequately to supervise the child;
15 (4) [(D)] the child having been, or being in imminent and substantial
16 danger of being, sexually abused either by the child's parent, guardian, or custodian,
17 or as a result of conditions created by the child's parent, guardian, or custodian, or by
18 the failure of the parent, guardian, or custodian adequately to supervise the child;
19 (5) [(E)] the child committing delinquent acts as a result of pressure,
20 guidance, or approval from the child's parents, guardian, or custodian;
21 (6) [(F)] the child having suffered substantial physical abuse or neglect
22 as a result of conditions created by the child's parent, guardian, or custodian.

23 * **Sec. 20.** AS 47.10.020(a) is amended to read:

24 (a) Whenever circumstances subject a minor to the jurisdiction of
25 AS 47.10.010 - 47.10.142, the court shall

26 [(1) PROVIDE, UNDER PROCEDURES ADOPTED BY COURT
27 RULE, THAT, FOR A MINOR WHO IS ALLEGED TO BE A DELINQUENT
28 MINOR UNDER AS 47.10.010(a)(1), A STATE AGENCY SHALL MAKE A
29 PRELIMINARY INQUIRY TO DETERMINE IF ANY ACTION IS APPROPRIATE
30 AND MAY TAKE APPROPRIATE ACTION TO ADJUST OR DISPOSE OF THE
31 MATTER WITHOUT A COURT HEARING; IF, UNDER THIS PARAGRAPH,

1 (A) THE STATE AGENCY MAKES A PRELIMINARY
2 INQUIRY AND TAKES APPROPRIATE ACTION TO ADJUST OR
3 DISPOSE OF THE MATTER WITHOUT A COURT HEARING, THE
4 MINOR MAY NOT BE DETAINED OR TAKEN INTO CUSTODY AS A
5 CONDITION OF THE ADJUSTMENT OR DISPOSITION AND, SUBJECT
6 TO (d) OF THIS SECTION, THE MATTER SHALL BE CLOSED BY THE
7 AGENCY IF THE MINOR SUCCESSFULLY COMPLETES ALL THAT IS
8 REQUIRED OF THE MINOR BY THE AGENCY IN THE ADJUSTMENT
9 OR DISPOSITION; IN A MUNICIPALITY OR MUNICIPALITIES IN
10 WHICH A YOUTH COURT HAS BEEN ESTABLISHED UNDER
11 AS 47.10.265, ADJUSTMENT OR DISPOSITION OF THE MATTER
12 UNDER THIS PARAGRAPH MAY INCLUDE REFERRAL TO THE YOUTH
13 COURT;

14 (B) THE AGENCY CONCLUDES THAT THE MATTER
15 MAY NOT BE ADJUSTED OR DISPOSED OF WITHOUT A COURT
16 HEARING, THE AGENCY MAY FILE A PETITION UNDER (2) OF THIS
17 SUBSECTION SETTING OUT THE FACTS; OR

18 (2)] appoint a competent person or agency to make a preliminary
19 inquiry and report for the information of the court to determine whether the interests
20 of the public or of the minor require that further action be taken; if, under this
21 subsection [PARAGRAPH], the court appoints a person or agency to make a
22 preliminary inquiry and to report to it, then upon the receipt of the report, the court
23 may informally adjust or dispose of the matter without a hearing, or it may authorize
24 the person having knowledge of the facts of the case to file with the court a petition
25 setting out the facts; if the court informally adjusts or disposes of the matter, the minor
26 may not be detained or taken into the custody of the court as a condition of the
27 adjustment or disposition, and the matter shall be closed by the court upon adjustment
28 or disposition.

29 * **Sec. 21.** AS 47.10.020(b) is amended to read:

30 (b) The petition and all subsequent pleadings shall be styled as follows: "In
31 the matter of, a minor under 18 years of age." The

1 petition may be executed upon the petitioner's information and belief, and must be
2 verified. It must include the following information:

3 (1) the name, address, and occupation of the petitioner, together with
4 the petitioner's relationship to the minor, and the petitioner's interest in the matter;

5 (2) the name, age, and address of the minor;

6 (3) a brief statement of the facts that bring the minor within
7 AS 47.10.010 - 47.10.142 [THIS CHAPTER];

8 (4) the names and addresses of the minor's parents;

9 (5) the name and address of the minor's guardian, or of the person
10 having control or custody of the minor.

11 * **Sec. 22.** AS 47.10.030(b) is amended to read:

12 (b) In all cases under AS 47.10.010 - 47.10.142, [THIS CHAPTER] the minor,
13 each parent of the minor, and the guardian of the minor shall be given notice adequate
14 to give actual notice of the proceedings and the possibility of termination of parental
15 rights and responsibilities, taking into account education and language differences that
16 are known or reasonably ascertainable by the petitioner or the department. The notice
17 of the hearing must contain all names by which the minor has been identified. Notice
18 shall be given in the manner appropriate under rules of civil procedure for the service
19 of process in a civil action under Alaska law or in any manner the court by order
20 directs. Proof of the giving of the notice shall be filed with the court before the
21 petition is heard. The court may also subpoena the parent of the minor, or any other
22 person whose testimony may be necessary at the hearing. A subpoena or other process
23 may be served by a person authorized by law to make the service, and where personal
24 service cannot be made, the court may direct that service of process be in a manner
25 appropriate under rules of civil procedure for the service of process in a civil action
26 under Alaska law or in any manner the court directs.

27 * **Sec. 23.** AS 47.10.050(a) is amended to read:

28 (a) Whenever in the course of proceedings instituted under AS 47.10.010 -
29 47.10.142 [THIS CHAPTER] it appears to the court that the welfare of a minor will
30 be promoted by the appointment of an attorney to represent the minor or an attorney
31 or other person to serve as guardian ad litem, the court may make the appointment.

1 Appointment of a guardian ad litem or attorney shall be made under the terms of
2 AS 25.24.310.

3 * **Sec. 24.** AS 47.10.070(a) is amended to read:

4 (a) The court may conduct the hearing on the petition in an informal manner
5 in the courtroom or in chambers. [A HEARING MAY BE HELD BEFORE A
6 YOUNG ADULT ADVISORY PANEL IN ACCORDANCE WITH AS 47.10.075.]
7 The court shall give notice of the hearing to the department and it may send a
8 representative to the hearing. The court shall also transmit a copy of the petition to
9 the department. The representative of the department may also be heard at the hearing.
10 The public shall be excluded from the hearing, but the court, in its discretion, may
11 permit individuals to attend a hearing [,] if their attendance is compatible with the best
12 interests of the minor. Nothing in this section may be applied in such a way as to
13 deny a child's rights to a public trial and to a trial by jury.

14 * **Sec. 25.** AS 47.10.080(a) is amended to read:

15 (a) The court, at the conclusion of the hearing, or thereafter as the
16 circumstances of the case may require, shall find and enter a judgment that the minor
17 is or is not [DELINQUENT OR] a child in need of aid.

18 * **Sec. 26.** AS 47.10.080(c) is amended to read:

19 (c) If the court finds that the minor is a child in need of aid, it shall
20 (1) order the minor committed to the department for placement in an
21 appropriate setting for a period of time not to exceed two years or in any event past
22 the date the minor becomes 19 years of age, except that the department may petition
23 for and the court may grant in a hearing (A) two-year extensions of commitment that
24 do not extend beyond the minor's 19th birthday if the extension is in the best interests
25 of the minor and the public; and (B) an additional one-year period of supervision past
26 age 19 if the continued supervision is in the best interests of the person and the person
27 consents to it; the department may transfer the minor, in the minor's best interests,
28 from one placement setting to another, and the minor, the minor's parents or guardian,
29 and the minor's attorney are entitled to reasonable notice of the transfer;
30 (2) order the minor released to the minor's parents, guardian, or some
31 other suitable person, and, in appropriate cases, order the parents, guardian, or other

1 person to provide medical or other care and treatment; if the court releases the minor,
2 it shall direct the department to supervise the care and treatment given to the minor,
3 but the court may dispense with the department's supervision if the court finds that the
4 adult to whom the minor is released will adequately care for the minor without
5 supervision; the department's supervision may not exceed two years or in any event
6 extend past the date the minor reaches age 19, except that the department may petition
7 for and the court may grant in a hearing

8 (A) two-year extensions of supervision that do not extend
9 beyond the minor's 19th birthday if the extension is in the best interests of the
10 minor and the public; and

11 (B) an additional one-year period of supervision past age 19 if
12 the continued supervision is in the best interests of the person and the person
13 consents to it; or

14 (3) by order, upon a showing in the adjudication by clear and
15 convincing evidence that there is a child in need of aid under AS 47.10.010(a)
16 [AS 47.10.010(a)(2)] as a result of parental conduct and upon a showing in the
17 disposition by clear and convincing evidence that the parental conduct is likely to
18 continue to exist if there is no termination of parental rights, terminate parental rights
19 and responsibilities of one or both parents and commit the child to the department or
20 to a legally appointed guardian of the person of the child, and the department or
21 guardian shall report annually to the court on efforts being made to find a permanent
22 placement for the child.

23 * **Sec. 27.** AS 47.10.080(e) is amended to read:

24 (e) If the court finds that the minor is not [DELINQUENT OR] a child in need
25 of aid, it shall immediately order the minor released from the department's custody and
26 returned to the minor's parents, guardian, or custodian, and dismiss the case.

27 * **Sec. 28.** AS 47.10.080(f) is amended to read:

28 (f) A minor found to be [DELINQUENT OR] a child in need of aid is a ward
29 of the court [STATE] while committed to the department or the department has the
30 power to supervise the minor's actions. The court shall review an order made under
31 [(b) OR] (c)(1) or (2) of this section annually, and may review the order more

1 frequently to determine if continued placement, probation, or supervision, as it is being
2 provided, is in the best interest of the minor and the public. If annual review under
3 this subsection would arise within 90 days of the hearing required under (l) of this
4 section, the court may postpone review under this subsection until the time set for the
5 hearing. The department, the minor, the minor's parents, guardian, or custodian are
6 entitled, when good cause is shown, to a review on application. If the application is
7 granted, the court shall afford these parties and their counsel reasonable notice in
8 advance of the review and hold a hearing where these parties and their counsel shall
9 be afforded an opportunity to be heard. The minor shall be afforded the opportunity
10 to be present at the review.

11 * **Sec. 29.** AS 47.10.080(g) is amended to read:

12 (g) [AN ADJUDICATION UNDER THIS CHAPTER UPON THE STATUS
13 OF A CHILD MAY NOT OPERATE TO IMPOSE ANY OF THE CIVIL
14 DISABILITIES ORDINARILY IMPOSED BY CONVICTION UPON A CRIMINAL
15 CHARGE, NOR MAY A MINOR AFTERWARD BE CONSIDERED A CRIMINAL
16 BY THE ADJUDICATION, NOR MAY THE ADJUDICATION BE AFTERWARD
17 DEEMED A CONVICTION, NOR MAY A MINOR BE CHARGED WITH OR
18 CONVICTED OF A CRIME IN A COURT, EXCEPT AS PROVIDED IN THIS
19 CHAPTER.] The commitment and placement of a child and evidence given in the
20 court in a proceeding under AS 47.10.010 - 47.10.142 are not admissible as evidence
21 against the minor in a subsequent case or proceedings in any other court, nor does the
22 commitment and placement or evidence operate to disqualify a minor in a future civil
23 service examination or appointment in the state.

24 * **Sec. 30.** AS 47.10.080(i) is amended to read:

25 (i) A minor, the minor's parents or guardian acting on the minor's behalf, or
26 the department may appeal a judgment or order, or the stay, modification, setting aside,
27 revocation, or enlargement of a judgment or order issued by the court under
28 AS 47.10.010 - 47.10.142 [THIS CHAPTER].

29 * **Sec. 31.** AS 47.10.080(l) is amended to read:

30 (l) Within 18 months after the date a child is initially taken into custody by
31 the department under AS 47.10.142(c) or committed to the custody of the department

1 under [(b)(3),] (c)(1) [,] or [(c)] (3) of this section [,] or AS 47.10.230(c), the court
2 shall hold a hearing to review the placement and services provided and to determine
3 the future status of the minor. The court shall make appropriate written findings,
4 including findings related to the following:

5 (1) whether the child should be returned to the parent;

6 (2) whether the child should remain in out-of-home care for a specified
7 period;

8 (3) whether the child should remain in out-of-home care on a
9 permanent or long-term basis because of special needs or circumstances;

10 (4) whether the child should be placed for adoption or legal
11 guardianship.

12 * **Sec. 32.** AS 47.10.082 is amended to read:

13 Sec. 47.10.082. BEST INTERESTS OF CHILD AND OTHER
14 CONSIDERATIONS. [IN MAKING ITS DISPOSITIONAL ORDER UNDER
15 AS 47.10.080(b) THE COURT SHALL CONSIDER THE BEST INTERESTS OF
16 THE CHILD AND THE PUBLIC.] In making its dispositional order under
17 AS 47.10.080(c), the court shall consider

18 (1) the best interests of the child; **and**

19 (2) [. IN EITHER CASE THE COURT SHALL CONSIDER ALSO]
20 the ability of the state to take custody and to care for the child to protect the child's
21 best interests under AS 47.10.010 - 47.10.142.

22 * **Sec. 33.** AS 47.10.084(a) is amended to read:

23 (a) When a child is committed under AS 47.10.080(c)(1) [AS 47.10.080(b)(1)
24 OR (c)(1)] to the department or released under AS 47.10.080(c)(2) [AS 47.10.080(b)(2)
25 OR (3) OR (c)(2)] to the child's parents, guardian, or other suitable person, a
26 relationship of legal custody exists. This relationship imposes on the department and
27 its authorized agents or the parents, guardian, or other suitable person the responsibility
28 of physical care and control of the child, the determination of where and with whom
29 the child shall live, the right and duty to protect, train, and discipline the child, and the
30 duty of providing the child with food, shelter, education, and medical care. These
31 obligations are subject to any residual parental rights and responsibilities and rights and

1 responsibilities of a guardian if one has been appointed. When a child is committed
2 to the department and the department places the child with the child's parent, the
3 parent has the responsibility to provide and pay for food, shelter, education, and
4 medical care for the child. When parental rights have been terminated, or there are
5 no living parents and no guardian has been appointed, the responsibilities of legal
6 custody include those in (b) and (c) of this section. The department or person having
7 legal custody of the child may delegate any of the responsibilities under this section,
8 except authority to consent to marriage, adoption, and military enlistment may not be
9 delegated. For purposes of AS 47.10.010 - 47.10.142, [THIS CHAPTER] a person in
10 charge of a placement setting is an agent of the department.

11 * **Sec. 34.** AS 47.10.090(c) is amended to read:

12 (c) Within 30 days of the date of a minor's 18th birthday or, if the court
13 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the
14 date on which the court releases jurisdiction over the minor, the court shall order all
15 the court's official records pertaining to that minor in a proceeding under
16 AS 47.10.010 - 47.10.142 sealed [, AS WELL AS RECORDS OF ALL DRIVER'S
17 LICENSE PROCEEDINGS UNDER AS 28.15.185, CRIMINAL PROCEEDINGS
18 AGAINST THE MINOR, AND PUNISHMENTS ASSESSED AGAINST THE
19 MINOR]. A person may not use these sealed records for any purpose except that the
20 court may order their use for good cause shown or may order their use by an officer
21 of the court in making a presentencing report for the court. [THE PROVISIONS OF
22 THIS SUBSECTION RELATING TO THE SEALING OF RECORDS DO NOT
23 APPLY TO RECORDS OF TRAFFIC OFFENSES.]

24 * **Sec. 35.** AS 47.10.090(d) is amended to read:

25 (d) The name or picture of a minor under the jurisdiction of the court may not
26 be made public in connection with the minor's status as a [DELINQUENT CHILD OR
27 A] child in need of aid unless authorized by order of the court.

28 * **Sec. 36.** AS 47.10.090(e) is amended to read:

29 (e) The court's official records under AS 47.10.010 - 47.10.142 [THIS
30 CHAPTER] may be inspected only with the court's permission and only by persons
31 having a legitimate interest in them. [A PERSON WITH A LEGITIMATE

1 INTEREST IN THE INSPECTION OF AN OFFICIAL RECORD MAINTAINED BY
2 THE COURT INCLUDES A VICTIM WHO SUFFERED PHYSICAL INJURY OR
3 WHOSE REAL OR PERSONAL PROPERTY WAS DAMAGED AS A RESULT OF
4 AN OFFENSE THAT WAS THE BASIS OF AN ADJUDICATION OR
5 MODIFICATION OF DISPOSITION. IF THE VICTIM KNOWS THE IDENTITY
6 OF THE MINOR, IDENTIFIES THE MINOR OR THE OFFENSE TO THE COURT,
7 AND CERTIFIES THAT THE INFORMATION IS BEING SOUGHT TO CONSIDER
8 OR SUPPORT A CIVIL ACTION AGAINST THE MINOR OR AGAINST THE
9 MINOR'S PARENTS OR GUARDIANS UNDER AS 34.50.020, THE COURT
10 SHALL, SUBJECT TO AS 12.61.110 AND 12.61.140, ALLOW THE VICTIM TO
11 INSPECT AND USE THE FOLLOWING RECORDS AND INFORMATION IN
12 CONNECTION WITH THE CIVIL ACTION:

13 (1) A PETITION FILED UNDER AS 47.10.010(a)(1) SEEKING TO
14 HAVE THE COURT DECLARE THE MINOR A DELINQUENT;

15 (2) A PETITION FILED UNDER AS 47.10.080 SEEKING TO HAVE
16 THE COURT MODIFY OR REVOKE THE MINOR'S PROBATION;

17 (3) A PETITION FILED UNDER AS 47.10.060 REQUESTING THE
18 COURT TO FIND THAT A MINOR IS NOT AMENABLE TO TREATMENT
19 UNDER THIS CHAPTER AND THAT RESULTS IN CLOSURE OF A CASE
20 UNDER AS 47.10.060(a); AND

21 (4) A COURT JUDGMENT OR ORDER ENTERED UNDER
22 AS 47.10.010 - 47.10.142 THAT DISPOSES OF A PETITION IDENTIFIED IN (1) -
23 (3) OF THIS SUBSECTION.]

24 * **Sec. 37.** AS 47.10.093(a) is amended to read:

25 (a) Except as specified in AS 47.10.092 and ~~(b) - (g)~~ [(b) - (f) AND (h)] of
26 this section, all information and social records pertaining to a minor who is subject to
27 AS 47.10.010 - 47.10.142 [THIS CHAPTER] or AS 47.17 prepared by or in the
28 possession of a federal, state, or municipal agency or employee in the discharge of the
29 agency's or employee's official duty [, INCLUDING DRIVER'S LICENSE ACTIONS
30 UNDER AS 28.15.185,] are privileged and may not be disclosed directly or indirectly
31 to anyone without a court order.

1 * **Sec. 38.** AS 47.10.100(c) is amended to read:

2 (c) If a minor is adjudicated [A DELINQUENT OR] a child in need of aid
3 before the minor's 18th birthday, the court may retain jurisdiction over the minor after
4 the minor's 18th birthday for the purpose of supervising the minor's rehabilitation, but
5 the court's jurisdiction over the minor under this chapter never extends beyond the
6 minor's 19th birthday, except that the department may apply for and the court may
7 grant an additional one-year period of supervision past age 19 if continued supervision
8 is in the best interests of the person and the person consents to it. The department
9 may retain jurisdiction over a child between the child's 18th and 19th birthdays for the
10 purpose of supervising the child's rehabilitation, if the child has been placed under the
11 supervision of the department before the child's 18th birthday, except that the
12 department may apply for and the court may grant an additional one-year period of
13 supervision past age 19 if continued supervision is in the best interests of the person
14 and the person consents to it.

15 * **Sec. 39.** AS 47.10.110 is amended to read:

16 Sec. 47.10.110. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,
17 in the course of a proceeding under AS 47.10.010 - 47.10.142 [THIS CHAPTER], it
18 appears to the court that the welfare of a minor will be promoted by the appointment
19 of a guardian or custodian of the minor's person, the court may make the appointment.
20 The court shall have a summons issued and served upon the parents of the minor, if
21 they can be found, in a manner and within a time before the hearing that the court
22 considers reasonable. The court may determine whether the father, mother, or the
23 department shall have the custody and control of the minor. If the minor is of
24 sufficient age and intelligence to state desires, the court shall consider them.

25 * **Sec. 40.** AS 47.10.120(a) is amended to read:

26 (a) When a child in need of aid [OR A DELINQUENT MINOR] is committed
27 under AS 47.10.010 - 47.10.142 [THIS CHAPTER], the court **may** [SHALL], after
28 giving the parent or legal guardian a reasonable opportunity to be heard, adjudge that
29 the parent or guardian pay to the department in a manner that the court directs a sum
30 that is based on the fee schedule adopted under AS 44.29.022 to cover in full or in
31 part the maintenance and care of the child or minor.

1 * **Sec. 41.** AS 47.10.141(b) is amended to read:

2 (b) A peace officer shall take into protective custody a minor described in (a)
3 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)
4 of this section applies, **when a peace officer takes a minor into protective custody**
5 **under this subsection,**

6 (1) the peace officer, **exercising** [SHALL EXERCISE] the officer's
7 discretion, **shall**

8 (A) [AND (1)] return the minor to the **minor's parent or**
9 **guardian** [LEGAL CUSTODIAN] if the **minor and the minor's parent or**
10 **guardian consent** [LEGAL CUSTODIAN CONSENTS] to the return, except
11 that the officer may not use this option if the officer has reasonable cause to
12 suspect that the minor has experienced physical or sexual abuse in the **parent's**
13 **or guardian's** [LEGAL CUSTODIAN'S] household;

14 (B) [(2)] take the minor to a nearby location agreed to by the
15 minor and the **minor's parent or guardian** [LEGAL CUSTODIAN]; or

16 (C) [(3)] take the minor to

17 (i) an office specified by the Department of Health and
18 Social Services;

19 (ii) [,] a program for runaway minors licensed by the
20 department under AS 47.10.310;

21 (iii) [,] a shelter for runaways that has a permit from the
22 department under AS 47.35.085 that agrees to shelter the minor;

23 (iv) [, OR] a facility or contract agency of the
24 department; **or**

25 (v) **another suitable location and promptly notify the**
26 **department, if** [. IF] an office specified by the department, a licensed
27 program for runaway minors, a shelter for runaways that will accept the
28 minor, or a facility or contract agency of the department does not exist
29 in the community;

30 (2) **a** [, THE OFFICER SHALL TAKE THE MINOR TO ANOTHER
31 **SUITABLE LOCATION AND PROMPTLY NOTIFY THE DEPARTMENT.** A]

1 minor under protective custody may not be housed in a jail or other detention facility;
2 **(3) the peace officer, immediately** [. IMMEDIATELY] upon taking
3 a minor into protective custody, [THE OFFICER] shall

4 **(A)** advise the minor orally and in writing of the right to social
5 services under AS 47.10.142(b); [,] and

6 **(B)** [,] if **the identity of the minor's parent or guardian is**
7 known, [THE OFFICER SHALL] advise the **minor's parent or guardian**
8 [LEGAL CUSTODIAN] that the minor has been taken into protective custody
9 and that counseling services for the **minor's parent or guardian**
10 [CUSTODIAN] and the minor's household may be available under
11 AS 47.10.142(b).

12 * **Sec. 42.** AS 47.10.141(c) is amended to read:

13 (c) A **peace officer may detain and take a** minor [MAY BE TAKEN] into
14 emergency protective custody **under the circumstances described in and subject to**
15 **the limitations imposed by this subsection** [BY A PEACE OFFICER AND PLACED
16 INTO TEMPORARY DETENTION IN A JUVENILE DETENTION HOME IN THE
17 LOCAL COMMUNITY IF THERE HAS BEEN AN ORDER ISSUED BY A COURT
18 UNDER A FINDING OF PROBABLE CAUSE THAT (1) THE MINOR IS A
19 RUNAWAY IN WILFUL VIOLATION OF A VALID COURT ORDER ISSUED
20 UNDER AS 47.10.080 OR 47.10.142(f), (2) THE MINOR'S CURRENT SITUATION
21 POSES A SEVERE AND IMMINENT RISK TO THE MINOR'S LIFE OR SAFETY,
22 AND (3) NO REASONABLE PLACEMENT ALTERNATIVE EXISTS WITHIN THE
23 COMMUNITY. FOR THE PURPOSES OF THIS SUBSECTION, A RISK MAY NOT
24 BE CONSIDERED SEVERE AND IMMINENT SOLELY BECAUSE OF THE
25 GENERAL CONDITIONS FOR RUNAWAY MINORS IN THE COMMUNITY, BUT
26 SHALL BE ASSESSED IN VIEW OF THE SPECIFIC BEHAVIOR AND
27 SITUATION OF THE MINOR]. A minor

28 **(1) may be detained by a peace officer under this subsection**

29 **(A) when the peace officer reasonably believes that the**
30 **minor is a runaway in wilful violation of a valid court order entered**

31 **(i) under AS 47.10.080(c)(1) or AS 47.12.100(b)(1) or**

1 (3) committing the minor to the custody of the department and
2 placed by the department in a juvenile correctional facility, juvenile
3 work camp, treatment facility, group care facility, detention home,
4 detention facility, or similar juvenile facility, or a facility providing
5 out-of-home care to the minor; or

6 (ii) under AS 47.10.142(f); or

7 (B) when a court has entered an order based on a finding
8 of probable cause that

9 (i) the minor is a runaway in wilful violation of a
10 valid court order entered under AS 47.10.080, other than an order
11 entered under AS 47.10.080(c)(1), 47.10.142(f), or AS 47.12.100(b)(1)
12 or (3);

13 (ii) the minor's current situation poses a severe and
14 imminent risk to the minor's life or safety; however, a risk may not
15 be considered severe and imminent solely because of the general
16 conditions of runaway minors in the community, but shall be
17 assessed in view of the specific behavior and situation of the minor;
18 and

19 (iii) a reasonable placement alternative for the minor
20 does not exist in the community;

21 (2) detained under this subsection shall be brought before a court on
22 the day the minor is detained, or, if that is not possible, within 24 hours after the
23 detention, for a hearing to determine the most appropriate placement in the best
24 interests of the minor;

25 (3) ~~detained~~ [. A MINOR TAKEN INTO EMERGENCY
26 PROTECTIVE CUSTODY] under this subsection may not be detained for more than
27 24 hours, except as provided under AS 47.10.140;

28 (4) ~~detained and placed in emergency~~ [. EMERGENCY] protective
29 custody ~~under this subsection~~ may not ~~be placed~~ [INCLUDE PLACEMENT OF A
30 MINOR] in a jail ~~and may not be placed in a~~ [OR SECURE] facility other than a
31 juvenile detention home; and

1 **(5) may not be detained under this subsection if the** [, NOR MAY
2 AN ORDER FOR PROTECTIVE CUSTODY BE ENFORCED AGAINST A] minor
3 [WHO] is residing in a licensed program for runaway minors, as defined in
4 AS 47.10.390.

5 * **Sec. 43.** AS 47.10.142(a) is amended to read:

6 (a) The Department of Health and Social Services may take emergency
7 custody of a minor upon discovering any of the following circumstances:

8 (1) the minor has been abandoned;

9 (2) the minor has been grossly neglected by the minor's parents or
10 guardian, as "neglect" is defined in AS 47.17.290, and the department determines that
11 immediate removal from the minor's surroundings is necessary to protect the minor's
12 life or provide immediate necessary medical attention;

13 (3) the minor has been subjected to child abuse or neglect by a person
14 responsible for the minor's welfare, as "child abuse or neglect" is defined in
15 AS 47.17.290, and the department determines that immediate removal from the minor's
16 surroundings is necessary to protect the minor's life or that immediate medical
17 attention is necessary; or

18 (4) the minor has been sexually abused under circumstances listed in
19 **AS 47.10.010(a)(4)** [AS 47.10.010(a)(2)(D)].

20 * **Sec. 44.** AS 47.10.150 is amended to read:

21 Sec. 47.10.150. GENERAL POWERS OF DEPARTMENT OVER JUVENILE
22 INSTITUTIONS. The department may

23 (1) purchase, lease, or construct buildings or other facilities for the
24 care, detention, rehabilitation, and education of children in need of aid or delinquent
25 minors;

26 (2) adopt plans for construction of juvenile homes, juvenile work
27 camps, juvenile detention facilities, and other juvenile institutions;

28 (3) adopt standards and regulations [UNDER THIS CHAPTER] for the
29 design, construction, repair, maintenance, and operation of all juvenile detention
30 homes, work camps, facilities, and institutions;

31 (4) inspect periodically each juvenile detention home, work camp,

1 facility, or other institution to ensure that the standards and regulations adopted are
2 being maintained;

3 (5) reimburse cities maintaining and operating juvenile detention
4 homes, work camps, and facilities;

5 (6) enter into contracts and arrangements with cities and state and
6 federal agencies to carry out the purposes of AS 47.10.150 - 47.10.220 [THIS
7 CHAPTER];

8 (7) do all acts necessary to carry out the purposes of AS 47.10.150 -
9 47.10.220 [THIS CHAPTER];

10 (8) adopt the regulations necessary to carry out AS 47.10.150 -
11 47.10.220 [THIS CHAPTER];

12 (9) accept donations, gifts, or bequests of money or other property for
13 use in construction of juvenile homes, work camps, institutions, or detention facilities;

14 (10) operate juvenile homes when municipalities are unable to do so;

15 (11) receive, care for, and place in a juvenile detention home, the
16 minor's own home, a foster home, or a correctional school, work camp, or treatment
17 institution all minors committed to its custody under this chapter and AS 47.12.

18 * **Sec. 45.** AS 47.10.160(a) is amended to read:

19 (a) The department shall

20 (1) accept all minors committed to the custody of the department and
21 all minors who are involved in a written agreement under AS 47.10.230(c), and
22 provide for the welfare, control, care, custody, and placement of these minors in
23 accordance with this chapter and AS 47.12;

24 (2) require and collect statistics on juvenile offenses and offenders in
25 the state;

26 (3) conduct studies and prepare findings and recommendations on the
27 need, number, type, construction, maintenance, and operating costs of juvenile homes,
28 work camps, facilities, and the other institutions, and adopt and submit a plan for
29 construction of the homes, work camps, facilities, and institutions when needed,
30 together with a plan for financing the construction programs;

31 (4) examine, where possible, all facilities, institutions, work camps, and

1 places of juvenile detention in the state and inquire into their methods and the
2 management of juveniles in them.

3 * **Sec. 46.** AS 47.10.190 is amended to read:

4 Sec. 47.10.190. DETENTION OF MINORS. When the court commits a minor
5 to the custody of the department, except when detention in a correctional facility is
6 authorized by **AS 47.12.240(c)** [AS 47.10.130(c)], the department shall arrange to place
7 the juvenile in a detention home, work camp, or another suitable place that the
8 department designates for that purpose.

9 * **Sec. 47.** AS 47.10.210 is amended to read:

10 Sec. 47.10.210. YOUTH COUNSELORS. The department may employ youth
11 counselors. Youth counselors shall exercise the duties of probation officers and shall
12 prepare preliminary investigations for the information of the court. They shall also
13 carry out other duties in the care and treatment of minors **that** [WHICH] are consistent
14 with the intent of this chapter **and AS 47.12.** Youth counselors have the powers of
15 a peace officer with respect to the service of process, the making of arrests of minors
16 who violate state or municipal law, and the execution of orders of the court relating
17 to juveniles. The youth counselors shall assist and advise the courts in the furtherance
18 of the welfare and control of minors under the court's jurisdiction.

19 * **Sec. 48.** AS 47.10.220 is amended to read:

20 Sec. 47.10.220. GRANTS-IN-AID. The department may accept grants-in-aid
21 from the federal government or private foundations and may accept other gifts
22 consistent with the purposes of this chapter **and AS 47.12.**

23 * **Sec. 49.** AS 47.10.230(b) is amended to read:

24 (b) The department may pay the costs of maintenance that are necessary to
25 assure adequate care of the child, and may accept funds from the federal government
26 that are granted to assist in carrying out the purposes of this chapter **and AS 47.12,**
27 or that are paid under contract entered into with a federal department or agency. A
28 child under the care of the department may not be placed in a family home or
29 institution that does not maintain adequate standards of care.

30 * **Sec. 50.** AS 47.10.390(2) is amended to read:

31 (2) "runaway minor" means a person under 18 years of age who

- 1 (A) is habitually absent from home;
2 (B) refuses to accept available care;
3 (C) has no parent, guardian, custodian, or relative able or
4 willing to provide care; or
5 (D) has been physically abandoned by
6 (i) both parents;
7 (ii) the surviving parent; or
8 (iii) one parent if the other parent's rights and
9 responsibilities have been terminated under AS 25.23.180(c) or
10 AS 47.10.080(c)(3), [AS 47.10.080] or have been voluntarily
11 relinquished.

12 * **Sec. 51.** AS 47.10.440(a) is amended to read:

13 (a) A local panel shall review the case plan of each child in the custody of the
14 department who is in a placement other than the child's own home under
15 AS 47.10.080(c)(1) or (3) [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]
16 47.10.230(c), or AS 47.12.100(b)(3) if the case is under the jurisdiction of a court in
17 the judicial district served by the panel. A local panel may request a local panel in
18 another judicial district to conduct a review and make a report if that local panel is
19 more convenient for the child and other persons involved.

20 * **Sec. 52.** AS 47.10.440(f) is amended to read:

21 (f) During a review under (a) of this section, a local panel shall
22 (1) determine whether the child has a case plan designed to achieve
23 placement in the least restrictive, most family-like setting available in close proximity
24 to the home of the child's parents that is consistent with the best interests of and
25 special needs and circumstances of the child;
26 (2) evaluate the continuing necessity and appropriateness of the child's
27 placement, the extent of the compliance with the child's case plan, and the extent of
28 progress that has been made toward mitigating the causes that necessitated placement
29 away from the child's parents;
30 (3) ascertain the date by which it is likely the child may be returned
31 to the home or placed for adoption or legal guardianship;

1 (4) determine whether there has been compliance with applicable
2 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) and other applicable
3 state and federal laws; and

4 (5) determine whether there has been compliance with court review
5 requirements of AS 47.10.080(f) and (l), [AND] 47.10.142(h), **and AS 47.12.100(d)**
6 **and (g).**

7 * **Sec. 53.** AS 47.10.440(h) is amended to read:

8 (h) The report required under (g) of this section must make advisory
9 recommendations based on the best interests of the child in accordance with
10 AS 47.10.082 and must include notification of the right to request court review under
11 AS 47.10.080(f) **or AS 47.12.100(d), as appropriate.** If the court has scheduled the
12 case for review, the local panel shall submit its report at least 20 days before the
13 hearing.

14 * **Sec. 54.** AS 47.10.460(a) is amended to read:

15 (a) Notwithstanding **AS 47.10.090 and 47.10.093 and AS 47.12.170 and**
16 **47.12.180** [AS 47.10.090], at the request of a local panel, the department, the child's
17 guardian ad litem, and the court shall furnish to the local panel relevant records
18 concerning a child and the child's family who are the subjects of a local panel review.
19 At the conclusion of a review, all copies of records provided to a local panel under
20 this section shall be returned to the staff that serves the local panel or to the agency
21 from which the original copy was obtained unless the panel members need the copies
22 to prepare the reports required under AS 47.10.440(g) - (i). Copies retained for
23 preparation of the reports shall be returned to the staff that serves the local panel or
24 to the originating agency upon completion of the reports. Notwithstanding
25 AS 44.62.310, records and reports of the local panel, testimony before the local panel,
26 and deliberations of the local panel are confidential under **AS 47.10.093 and**
27 **AS 47.12.180** [AS 47.10.090].

28 * **Sec. 55.** AS 47.10.470 is amended to read:

29 Sec. 47.10.470. COURT REVIEW OF REPORT. (a) When a report is
30 admissible under court rules, the court may consider the report of the local panel in
31 its review under AS 47.10.080(f) **or AS 47.12.100(d), as appropriate,** and at other

1 disposition hearings other than hearings related to delinquency proceedings.

2 (b) The court may refer to the local panel a case called for a special review
3 under AS 47.10.080(f) or AS 47.12.100(d), as appropriate.

4 * **Sec. 56.** AS 47.10.490(2) is amended to read:

5 (2) "out-of-home care provider" means an agency or person, other than
6 the child's legal parents, with whom a child who is in the custody of the state under
7 AS 47.10.080(c)(1) or (3) [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]
8 47.10.230(c), or AS 47.12.100(b)(3) is currently placed; in this paragraph, "agency or
9 person" includes a foster parent, a relative other than a parent, a person who has
10 petitioned for adoption of the child, and a residential child care facility;

11 * **Sec. 57.** AS 47.10.990 is amended to read:

12 Sec. 47.10.990. DEFINITIONS. In this chapter, unless the context otherwise
13 requires,

14 (1) "care" or "caring" under AS 47.10.010(a)(1)
15 [AS 47.10.010(a)(2)(A)], 47.10.120(a), and 47.10.230(c) [,] means to provide for the
16 physical, emotional, mental, and social needs of the child;

17 (2) "child in need of aid" means a minor found to be within the
18 jurisdiction of the court under AS 47.10.010(a) [AS 47.10.010(a)(2)];

19 (3) "court" means the superior court of the state;

20 (4) ["CRIME AGAINST A PERSON" MEANS AN OFFENSE SET
21 OUT IN AS 11.41;

22 (5) "delinquent minor" means a minor found to be within the
23 jurisdiction of the court under AS 47.12 [AS 47.10.010(a)(1)];

24 (6) [(6)] "department" means the Department of Health and Social
25 Services;

26 (7) [(7)] "juvenile detention facility" means separate quarters within
27 a city jail used for the detention of delinquent minors;

28 (8) [(8)] "juvenile detention home" or "detention home" is a separate
29 establishment, exclusively devoted to the detention of minors on a short-term basis and
30 not a part of an adult jail;

31 (9) [(9)] "juvenile work camp" means a separate residential

1 establishment, exclusively devoted to the detention of minors, in which the minors who
2 are 16 years of age or older and committed to the custody of the department and
3 placed in the facility may be required to labor on the buildings and grounds or perform
4 any other work or engage in any activities that do not conflict with regulations adopted
5 by the Department of Health and Social Services under this chapter for the care,
6 rehabilitation, education, and discipline of minors in detention;

7 (9) [(10)] "minor" means [IS] a person under 18 years of age;

8 (10) [(11)] "treatment facility" means a hospital, clinic, institution,
9 center, or other health care facility that has been designated by the department for the
10 treatment of juveniles [;

11 (12) "VICTIM" HAS THE MEANING GIVEN IN AS 12.55.185].

12 * **Sec. 58.** AS 47 is amended by adding a new chapter to read:

13 CHAPTER 12. DELINQUENT MINORS.

14 ARTICLE 1. JUVENILE DELINQUENCY.

15 Sec. 47.12.010. JURISDICTION. Proceedings relating to a minor under 18
16 years of age residing or found in the state are governed by this chapter, except as
17 otherwise provided in this chapter, when the minor is alleged to be or may be
18 determined by a court to be a delinquent minor as a result of

19 (1) violating a criminal law of the state or a municipality of the state;
20 or

21 (2) the minor engaging in conduct that is a noncriminal offense
22 punishable as a violation under AS 47.12.300 - 47.12.330.

23 Sec. 47.12.015. PROVISIONS INAPPLICABLE. (a) When a minor who was
24 at least 16 years of age at the time of the offense is arraigned on a charge for an
25 offense specified in this subsection, this chapter and the Alaska Delinquency Rules do
26 not apply to the offense for which the minor is arraigned or to any additional offenses
27 joinable to it under the applicable rules of court governing criminal procedure. The
28 minor shall be charged, prosecuted, and sentenced in the superior court in the same
29 manner as an adult unless the minor is convicted of some offense other than an offense
30 specified in this subsection, in which event the minor may attempt to prove, by a
31 preponderance of the evidence, that the minor is amenable to treatment under this

1 chapter. If the court finds that the minor is amenable to treatment under this chapter,
2 the minor shall be treated as though the charges had been heard under this chapter, and
3 the court shall order disposition of the charges of which the minor is convicted under
4 AS 47.12.100(b). The provisions of this subsection apply when the minor is arraigned
5 on a charge

6 (1) that is an unclassified felony or a class A felony and the felony is
7 a crime against a person; or

8 (2) of arson in the first degree.

9 (b) When a minor is accused of violating a statute specified in this subsection,
10 other than a statute the violation of which is a felony, this chapter and the Alaska
11 Delinquency Rules do not apply and the minor accused of the offense shall be charged,
12 prosecuted, and sentenced in the district court in the same manner as an adult; if a
13 minor is charged, prosecuted, and sentenced for an offense under this subsection, the
14 minor's parent, guardian, or legal custodian shall be present at all proceedings; the
15 provisions of this paragraph apply when a minor is accused of violating

16 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
17 a municipality;

18 (2) AS 11.76.105, relating to the possession of tobacco by a person
19 under 19 years of age;

20 (3) a fish and game statute or regulation under AS 16;

21 (4) a parks and recreational facilities statute or regulation under
22 AS 41.21; and

23 (5) AS 04.16.050, relating to possession, control, or consumption of
24 alcohol.

25 (c) When a minor is

26 (1) accused of violating a statute specified in this paragraph,
27 AS 47.12.010 - 47.12.250 and the Alaska Delinquency Rules do not apply, and the
28 minor accused of the offense shall be charged as provided in AS 47.12.400 -
29 47.12.430; the provisions of this paragraph apply when a minor is accused of violating

30 (A) concealment of merchandise under AS 11.46.220(c)(2) or

31 (3);

1 (B) criminal mischief in the third degree for an offense that is
2 punishable as a class A misdemeanor under AS 11.46.484(b);

3 (C) criminal mischief in the fourth degree under AS 11.46.486;

4 (D) disorderly conduct under AS 11.61.110;

5 (E) evading legal custody under AS 47.12.300 or evading
6 detention under AS 47.12.310;

7 (F) AS 47.12.320 or an ordinance of a municipality that
8 establishes a curfew; and

9 (G) AS 47.12.330, relating to school truancy;

10 (2) stopped or contacted by a peace officer for the violation of a
11 municipal ordinance, other than a municipal traffic ordinance or regulation or a
12 municipal ordinance establishing a curfew, the minor may, if the municipality
13 authorizes use of citations for community service, in the discretion of the contacting
14 peace officer, be issued a citation under AS 47.12.400 - 47.12.430 for which
15 community service must be performed; however, the provisions of this paragraph do
16 not apply if

17 (A) the minor does not furnish satisfactory evidence of identity
18 or refuses to accept the citation;

19 (B) the contacting officer has reasonable and probable cause to
20 believe the minor is a danger to self or others; or

21 (C) the minor asks to be taken before a judge or magistrate
22 under AS 12.25.150;

23 (3) stopped or contacted by a peace officer for the commission of an
24 infraction or a violation, other than a violation described in (1) of this subsection, the
25 minor shall be issued a citation under AS 47.12.400 - 47.12.430 for which community
26 service must be performed; however, the provisions of this paragraph do not apply if
27 the minor

28 (A) does not furnish satisfactory evidence of identity; or

29 (B) refuses to accept the citation.

30 (d) The provisions of this chapter do not apply to driver's license proceedings
31 under AS 28.15.185. The court shall impose a driver's license revocation under

1 AS 28.15.185 in the same manner as adult driver's license revocations, except that a
2 parent or legal guardian shall be present at all proceedings.

3 Sec. 47.12.020. INVESTIGATION AND PETITION. (a) Whenever
4 circumstances subject a minor to the jurisdiction of this chapter, the court shall

5 (1) provide, under procedures adopted by court rule, that, for a minor
6 who is alleged to be a delinquent minor under AS 47.12.010, a state agency shall make
7 a preliminary inquiry to determine if any action is appropriate and may take
8 appropriate action to adjust or dispose of the matter without a court hearing; if, under
9 this paragraph,

10 (A) the state agency makes a preliminary inquiry and takes
11 appropriate action to adjust or dispose of the matter without a court hearing,
12 the minor may not be detained or taken into custody as a condition of the
13 adjustment or disposition and, subject to (d) of this section, the matter shall be
14 closed by the agency if the minor successfully completes all that is required of
15 the minor by the agency in the adjustment or disposition; in a municipality or
16 municipalities in which a youth court has been established under AS 47.12.500,
17 adjustment or disposition of the matter under this paragraph may include
18 referral to the youth court; in a municipality or municipalities in which a
19 community intervention court has been established under AS 47.12.550,
20 adjustment or disposition of the matter under this paragraph shall include
21 referral to the community intervention court;

22 (B) the agency concludes that the matter may not be adjusted
23 or disposed of without a court hearing, the agency may file a petition under (2)
24 of this subsection setting out the facts; or

25 (2) appoint a competent person or agency to make a preliminary inquiry
26 and report for the information of the court to determine whether the interests of the
27 public or of the minor require that further action be taken; if, under this paragraph, the
28 court appoints a person or agency to make a preliminary inquiry and to report to it,
29 then upon the receipt of the report, the court may informally adjust or dispose of the
30 matter without a hearing, or it may authorize the person having knowledge of the facts
31 of the case to file with the court a petition setting out the facts; if the court informally

1 adjusts or disposes of the matter, the minor may not be detained or taken into the
2 custody of the court as a condition of the adjustment or disposition, and the matter
3 shall be closed by the court upon adjustment or disposition.

4 (b) The petition and all subsequent pleadings shall be styled as follows: "In
5 the matter of, a minor under 18 years of age." The
6 petition may be executed upon the petitioner's information and belief, and must be
7 verified. It must include the following information:

8 (1) the name, address and occupation of the petitioner, together with
9 the petitioner's relationship to the minor, and the petitioner's interest in the matter;

10 (2) the name, age and address of the minor;

11 (3) a brief statement of the facts that bring the minor within this
12 chapter;

13 (4) the names and addresses of the minor's parents;

14 (5) the name and address of the minor's guardian, or of the person
15 having control or custody of the minor.

16 (c) If the petitioner does not know a fact required in this section, the petitioner
17 shall so state in the petition.

18 Sec. 47.12.030. NOTICE TO AND INVOLVEMENT OF PARENT OR
19 GUARDIAN. (a) Except as may be otherwise specifically provided, in all cases
20 under this chapter, the minor, each parent of the minor, and the guardian of the minor
21 are entitled to notice adequate to give actual notice of the proceedings, taking into
22 account education and language differences that are known or reasonably ascertainable
23 by the party giving the notice. The notice must contain all names by which the minor
24 has been identified.

25 (b) Notice shall be given in the manner appropriate under rules of civil
26 procedure for the service of process in a civil action under state law or in any manner
27 the court by order directs. Proof of giving of the notice shall be filed with the court
28 before the petition is heard or other proceeding commenced.

29 (c) The court may subpoena the parent or guardian of the minor, or any other
30 person whose testimony may be necessary at the hearing. A subpoena or other process
31 may be served by a person authorized by law to make the service. If personal service

1 cannot be made, the court may direct that service of process be in the manner
2 appropriate under rules of civil procedure for the service of process in a civil action
3 under state law or in any manner the court directs.

4 (d) In any proceeding under this chapter, the minor's parent or guardian may
5 be present.

6 Sec. 47.12.040. INFORMAL ACTION BY DEPARTMENT TO ADJUST OR
7 DISPOSE OF MATTER. (a) The provisions of this section apply to a minor who is
8 alleged to be a delinquent minor under AS 47.12.010 and for whom an agency has,
9 under applicable court rule, made a preliminary inquiry before taking appropriate
10 action as authorized by AS 47.12.020(a). Following the preliminary inquiry, unless
11 the agency determines that the matter should be dismissed, the agency may take
12 informal action to adjust or dispose of the matter.

13 (b) When the agency decides that an informal adjustment or disposition of a
14 matter should be made, that informal adjustment or disposition may not be made
15 without the agreement or consent of the minor and the minor's parents or guardians to
16 the terms and conditions of the adjustment or disposition. An informal action to adjust
17 or dispose of a matter is not successfully completed unless, among other factors that
18 the agency considers, as to the victim of the act of the minor that is the basis of the
19 delinquency allegation, the minor pays restitution in the amount set by the agency or
20 agrees as a term or condition set by the agency to pay the restitution.

21 Sec. 47.12.050. SUMMONS AND CUSTODY OF MINOR. (a) After a
22 petition is filed and after further investigation that the court directs, if the person
23 having custody or control of the minor has not appeared voluntarily, the court shall
24 issue a summons that

25 (1) recites briefly the substance of the petition;

26 (2) directs the person having custody or control of the minor to appear
27 personally in court with the minor at the place and at the time set forth in the
28 summons.

29 (b) If the minor is in such condition or surroundings that the minor's welfare
30 requires the immediate assumption of custody by the court, the court may order, by
31 endorsement upon the summons, that the officer serving the summons shall at once

1 take the minor into custody and make the temporary placement of the minor that the
2 court directs.

3 Sec. 47.12.060. RELEASE OF MINOR. A minor who is taken into custody
4 may, in the discretion of the court and upon the written promise of the parent,
5 guardian, or custodian to bring the minor before the court at a time specified by the
6 court, be released to the care and custody of the parent, guardian, or custodian. The
7 minor, if not released, shall be detained as provided by AS 47.12.240. The court may
8 determine whether the father or mother or another person shall have the custody and
9 control of the minor for the duration of the proceedings. If the minor is of sufficient
10 age and intelligence to state desires, the court shall give consideration to the minor's
11 desires.

12 Sec. 47.12.070. APPOINTMENT OF GUARDIAN AD LITEM OR
13 ATTORNEY. (a) Whenever in the course of proceedings instituted under this chapter
14 it appears to the court that the welfare of a minor will be promoted by the appointment
15 of an attorney to represent the minor or an attorney or other person to serve as
16 guardian ad litem, the court may make the appointment. Appointment of a guardian
17 ad litem or attorney shall be made under the terms of AS 25.24.310.

18 (b) In all proceedings initiated under a petition for delinquency, a minor shall
19 have the right to be represented by counsel and, if indigent, have counsel appointed
20 by the court. The court shall appoint counsel in such cases unless it makes a finding
21 on the record that the minor has made a voluntary, knowing, and intelligent waiver of
22 the right to counsel and a parent or guardian with whom the minor resides or resided
23 before the filing of the petition concurs with the waiver. In cases in which it has been
24 alleged that the minor has committed an act that would be a felony if committed by
25 an adult, waiver of counsel may not be accepted unless the court is satisfied that the
26 minor has consulted with an attorney before the waiver of counsel.

27 Sec. 47.12.080. WAIVER OF JURISDICTION. (a) If the court finds at a
28 hearing on a petition that there is probable cause for believing that a minor is
29 delinquent and finds that the minor is not amenable to treatment under this chapter, it
30 shall order the case closed. After a case is closed under this subsection, the minor
31 may be prosecuted as an adult.

1 (b) A minor is unamenable to treatment under this chapter if the minor
2 probably cannot be rehabilitated by treatment under this chapter before reaching 20
3 years of age. In determining whether a minor is unamenable to treatment, the court
4 may consider the seriousness of the offense the minor is alleged to have committed,
5 the minor's history of delinquency, the probable cause of the minor's delinquent
6 behavior, and the facilities available to the department for treating the minor.

7 (c) For purposes of making a determination under this section,

8 (1) the standard of proof is by a preponderance of the evidence; and

9 (2) the burden of proof that a minor is not amenable to treatment under
10 this chapter is on the state; however, if the petition filed under AS 47.12.020 seeking
11 to have the court declare a minor a delinquent is based on the minor's alleged
12 commission of an offense that is an unclassified felony or class A felony and that is
13 a crime against a person, the minor

14 (A) is rebuttably presumed not to be amenable to treatment
15 under this chapter; and

16 (B) has the burden of proof of showing that the minor is
17 amenable to treatment under this chapter.

18 Sec. 47.12.090. HEARINGS. (a) The court may conduct the hearing on the
19 petition in an informal manner in the courtroom or in chambers. The court shall give
20 notice of the hearing to the department and it may send a representative to the hearing.
21 The court shall also transmit a copy of the petition to the department. The
22 representative of the department may also be heard at the hearing. The public shall
23 be excluded from the hearing, but the court, in its discretion, may permit individuals
24 to attend a hearing, if their attendance is compatible with the best interests of the
25 minor. Nothing in this section may be applied in such a way as to deny a minor's
26 rights to a public trial and to a trial by jury.

27 (b) Notwithstanding (a) of this section, the victim of an offense that a minor
28 is alleged to have committed, or the designee of the victim, has a right to be present
29 at all hearings held under this section. If the minor is found to have committed the
30 offense, the victim may at the disposition hearing give sworn testimony or make an
31 unsworn oral presentation concerning the offense and its effect on the victim. If there

1 are numerous victims of a minor's offense, the court may limit the number of victims
2 who may give sworn testimony or make an unsworn oral presentation, but the court
3 may not limit the right of a victim to attend a hearing.

4 (c) Unless the minor objects, the court may select a young adult advisory panel
5 to hear the case and advise the court of a recommended judgment and order. The
6 court may consider any of the panel recommendations in making its judgment and
7 order in the case. For purposes of this subsection,

8 (1) the principal of each high school shall submit annually to the court
9 a list of the students enrolled in grades 10, 11, and 12, and the court shall determine
10 the method of selecting the members of each panel; and

11 (2) a student

12 (A) shall be excused from attending school while serving as a
13 panel member;

14 (B) may not serve more than once each year on a panel; and

15 (C) shall be excused from service as a panel member if the
16 student submits a written request to the court indicating the reason for not
17 wishing to serve.

18 Sec. 47.12.100. JUDGMENTS AND ORDERS. (a) The court, at the
19 conclusion of the hearing, or thereafter as the circumstances of the case may require,
20 shall find and enter a judgment that the minor is or is not delinquent.

21 (b) If the court finds that the minor is delinquent, it shall

22 (1) order the minor committed to the department for a period of time
23 not to exceed two years or in any event extend past the day the minor becomes 19,
24 except that the department may petition for and the court may grant in a hearing (A)
25 two-year extensions of commitment that do not extend beyond the minor's 19th
26 birthday if the extension is in the best interests of the minor and the public; and (B)
27 an additional one-year period of supervision past age 19 if continued supervision is in
28 the best interests of the person and the person consents to it; the department shall place
29 the minor in the juvenile facility that the department considers appropriate and that
30 may include a juvenile correctional school, juvenile work camp, treatment facility,
31 detention home, or detention facility; the minor may be released from placement or

1 detention and placed on probation on order of the court and may also be released by
2 the department, in its discretion, under AS 47.10.200;

3 (2) order the minor placed on probation, to be supervised by the
4 department, and released to the minor's parents, guardian, or a suitable person; if the
5 court orders the minor placed on probation, it may specify the terms and conditions
6 of probation; the probation may be for a period of time not to extend past the day the
7 minor becomes 19, except that the department may petition for and the court may
8 grant in a hearing an additional one-year period of supervision past age 19 if the
9 continued supervision is in the best interests of the person and the person consents to
10 it;

11 (3) order the minor committed to the department and placed on
12 probation, to be supervised by the department, and released to the minor's parents,
13 guardian, other suitable person, or suitable nondetention setting such as a family home,
14 group care facility, or child care facility, whichever the department considers
15 appropriate to implement the treatment plan of the predisposition report; if the court
16 orders the minor placed on probation, it may specify the terms and conditions of
17 probation; the department may transfer the minor, in the minor's best interests, from
18 one of the probationary placement settings listed in this paragraph to another, and the
19 minor, the minor's parents or guardian, and the minor's attorney are entitled to
20 reasonable notice of the transfer; the probation may be for a period of time, not to
21 extend past the day the minor becomes 19, except that the department may petition for
22 and the court may grant in a hearing an additional one-year period of supervision past
23 age 19 if the continued supervision is in the best interests of the person and the person
24 consents to it;

25 (4) order the minor to make suitable restitution in lieu of or in addition
26 to the court's order under (1), (2), or (3) of this subsection; the court may not refuse
27 to make an order of restitution under this paragraph to benefit the victim of the act of
28 the minor that is the basis of the delinquency adjudication;

29 (5) order the minor committed to the department for placement in an
30 adventure based education program established under AS 47.21.020 with conditions
31 the court considers appropriate concerning release upon satisfactory completion of the

1 program or commitment under (1) of this subsection if the program is not satisfactorily
2 completed; or

3 (6) in addition to an order under (1) - (5) of this subsection, if the
4 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or
5 11.71.040(a)(4), order the minor to perform 50 hours of community service; for
6 purposes of this paragraph, "community service" includes work

7 (A) on a project identified in AS 33.30.901; or

8 (B) that, on the recommendation of the city council or
9 traditional village council, would benefit persons within the city or village who
10 are elderly or disabled.

11 (c) If the court finds that the minor is not delinquent, it shall immediately
12 order the minor released from the department's custody and returned to the minor's
13 parents, guardian, or custodian, and dismiss the case.

14 (d) A minor found to be delinquent is a ward of the court while committed to
15 the department or the department has the power to supervise the minor's actions. The
16 court shall review an order made under (b) of this section annually, and may review
17 the order more frequently to determine if continued placement, probation, or
18 supervision, as it is being provided, is in the best interest of the minor and the public.
19 If annual review under this subsection would arise within 90 days of the hearing
20 required under this section, the court may postpone review under this subsection until
21 the time set for the hearing. The department, the minor, the minor's parents, guardian,
22 or custodian are entitled, when good cause is shown, to a review on application. If the
23 application is granted, the court shall afford these parties and their counsel reasonable
24 notice in advance of the review and hold a hearing where these parties and their
25 counsel shall be afforded an opportunity to be heard. The minor shall be afforded the
26 opportunity to be present at the review.

27 (e) The department shall pay all court costs incurred in all proceedings in
28 connection with the adjudication of delinquency under this chapter, including hearings
29 that result in the release of the minor.

30 (f) A minor, the minor's parents or guardian acting on the minor's behalf, or
31 the department may appeal a judgment or order, or the stay, modification, setting aside,

1 revocation, or enlargement of a judgment or order issued by the court under this
2 chapter.

3 (g) Within 18 months after the date a minor is committed to the custody of the
4 department under (b)(3) of this section, the court shall hold a hearing to review the
5 placement and services provided and to determine the future status of the minor. The
6 court shall make appropriate written findings, including findings related to the
7 following:

8 (1) whether the minor should be returned to the parent;

9 (2) whether the minor should remain in out-of-home care for a
10 specified period;

11 (3) whether the minor should remain in out-of-home care on a
12 permanent or long-term basis because of special needs or circumstances;

13 (4) whether the minor should be placed for adoption or legal
14 guardianship.

15 (h) Within 60 days after the date a minor is removed from the minor's home
16 by the department, the department shall notify the appropriate local citizen out-of-home
17 care review panel established under AS 47.10.420.

18 (i) For a minor committed under (b)(1) - (3) of this section on the basis of the
19 minor's commission of a sex offense, as that term is defined by AS 12.63.100, the
20 court shall, after giving notice to the minor, the minor's parent, guardian, or custodian,
21 and the department and its counsel, hold a hearing to determine whether the minor has
22 successfully completed all requirements of the recommended plan of treatment set out
23 in the predisposition hearing report. The court shall hold the hearing not less than 30
24 days nor more than 60 days before the date that supervision of the minor is scheduled
25 to terminate. If, by a preponderance of the evidence, the court finds that the minor has
26 not successfully completed all requirements of the recommended plan of treatment set
27 out in the predisposition report, the court shall require the minor to register as a sex
28 offender under AS 12.63.010 - 12.63.100.

29 Sec. 47.12.110. PREDISPOSITION HEARING REPORTS. (a) Before the
30 disposition hearing of a delinquent minor, the department shall submit a predisposition
31 report with a recommended plan of treatment to aid the court in its selection of a

1 disposition, a victim impact statement reporting the information set out in
2 AS 12.55.022, and any further information that the court may request. In preparing
3 the predisposition report, the department shall contact the victim of the minor's offense.

4 (b) The court shall inform the minor, the minor's parents, and the attorneys
5 representing the parties and the guardian ad litem that the predisposition report will be
6 available to them not less than 10 days before the disposition hearing.

7 (c) In this section, "parents" means the natural or adoptive parents, and any
8 legal guardian, relative, or other adult person with whom the minor has resided and
9 who has acted as a parent in providing for the minor for a continuous period of time
10 before this action.

11 Sec. 47.12.120. COURT DISPOSITIONAL ORDER; BEST INTERESTS OF
12 MINOR AND OTHER CONSIDERATIONS. (a) In making its dispositional order
13 under AS 47.12.100(b)(1) - (3) and (5), the court shall

14 (1) consider

15 (A) the best interests of the minor and the public; and

16 (B) the ability of the state to take custody and to care for the
17 minor to protect the minor's best interests under this chapter; and

18 (2) order the least restrictive alternative disposition for the minor.

19 (b) For purposes of (a)(2) of this section,

20 (1) the "least restrictive alternative disposition" means that disposition
21 that is no more restrictive than is, in the judgment of the court, most conducive to the
22 minor's rehabilitation; and

23 (2) in making its dispositional order, in addition to the elements of
24 (a)(1) of this section, the court shall consider

25 (A) the seriousness of the minor's delinquent act;

26 (B) the minor's culpability as indicated by the circumstances of
27 the particular case;

28 (C) the age of the minor;

29 (D) the minor's prior criminal or juvenile record;

30 (E) the ability of the minor's parent, guardian, or custodian to
31 control and supervise the minor; and

1 (F) the success or failure of the minor's previous dispositions
2 or placements.

3 Sec. 47.12.130. LEGAL CUSTODY, GUARDIANSHIP, AND RESIDUAL
4 PARENTAL RIGHTS AND RESPONSIBILITIES. (a) When a minor is committed
5 under AS 47.12.100(b)(1) to the department or released under AS 47.12.100(b)(2) or
6 (3) to the minor's parents, guardian, or other suitable person, a relationship of legal
7 custody exists. This relationship imposes on the department and its authorized agents
8 or the parents, guardian, or other suitable person the responsibility of physical care and
9 control of the minor, the determination of where and with whom the minor shall live,
10 the right and duty to protect, train, and discipline the minor, and the duty of providing
11 the minor with food, shelter, education, and medical care. These obligations are
12 subject to any residual parental rights and responsibilities and rights and
13 responsibilities of a guardian if one has been appointed. When a minor is committed
14 to the department and the department places the minor with the minor's parent, the
15 parent has the responsibility to provide and pay for food, shelter, education, and
16 medical care for the minor. When parental rights have been terminated, or there are
17 no living parents and a guardian has not been appointed, the responsibilities of legal
18 custody include those in (b) and (c) of this section. The department or person having
19 legal custody of the minor may delegate any of the responsibilities under this section,
20 except authority to consent to marriage, adoption, and military enlistment may not be
21 delegated. For purposes of this chapter, a person in charge of a placement setting is
22 an agent of the department.

23 (b) When a guardian is appointed for the minor, the court shall specify in its
24 order the rights and responsibilities of the guardian. The guardian may be removed
25 only by court order. The rights and responsibilities may include, but are not limited
26 to, having the right and responsibility of reasonable visitation, consenting to marriage,
27 consenting to military enlistment, consenting to major medical treatment, obtaining
28 representation for the minor in legal actions, and making decisions of legal or financial
29 significance concerning the minor.

30 (c) When there has been transfer of legal custody or appointment of a guardian
31 and parental rights have not been terminated by court decree, the parents shall have

1 residual rights and responsibilities. These residual rights and responsibilities of the
2 parent include the right and responsibility of reasonable visitation, consent to adoption,
3 consent to marriage, consent to military enlistment, consent to major medical treatment
4 except in cases of emergency or cases falling under AS 25.20.025, and the
5 responsibility for support, except if by court order any residual right and responsibility
6 has been delegated to a guardian under (b) of this section.

7 Sec. 47.12.140. RETENTION OF JURISDICTION OVER MINOR. (a) The
8 court retains jurisdiction over the case and may at any time stay execution, modify, set
9 aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise
10 of its power of protection over the minor and for the minor's best interest, for a period
11 of time not to exceed the maximum period otherwise permitted by law or in any event
12 extend past the day the minor becomes 19, unless sooner discharged by the court,
13 except that the department may apply for and the court may grant an additional one-
14 year period of supervision past age 19 if continued supervision is in the best interests
15 of the person and the person consents to it. An application for any of these purposes
16 may be made by the parent, guardian, or custodian acting in behalf of the minor, or
17 the court may, on its own motion, and after reasonable notice to interested parties and
18 the appropriate department, take action that it considers appropriate.

19 (b) If the court determines at a rehearing that it is for the best interests of the
20 minor to be released to the care or custody of the minor's parent, guardian, or
21 custodian, it may enter an order to that effect and the minor is discharged from the
22 control of the department.

23 (c) If a minor is adjudicated a delinquent before the minor's 18th birthday, the
24 court may retain jurisdiction over the minor after the minor's 18th birthday for the
25 purpose of supervising the minor's rehabilitation, but the court's jurisdiction over the
26 minor under this chapter never extends beyond the minor's 19th birthday, except that
27 the department may apply for and the court may grant an additional one-year period
28 of supervision past age 19 if continued supervision is in the best interests of the person
29 and the person consents to it. The department may retain jurisdiction over the person
30 between the person's 18th and 19th birthdays for the purpose of supervising the
31 person's rehabilitation, if the person has been placed under the supervision of the

1 department before the person's 18th birthday, except that the department may apply for
2 and the court may grant an additional one-year period of supervision past age 19 if
3 continued supervision is in the best interests of the person and the person consents to
4 it.

5 Sec. 47.12.150. ENFORCEMENT OF RESTITUTION. When restitution is
6 ordered under AS 47.12.100(b)(4), the restitution recipient may enforce payment of the
7 restitution order against the minor under AS 09.35 as if the order were a civil
8 judgment enforceable by execution. This section does not limit the authority of the
9 court to enforce orders of restitution to victims.

10 Sec. 47.12.160. EFFECT OF ADJUDICATION. (a) Except as provided by
11 AS 12.63.010 - 12.63.100 and AS 47.12.150, an adjudication under this chapter upon
12 the status of a minor

13 (1) may not operate to impose any of the civil disabilities ordinarily
14 imposed by conviction upon a criminal charge;

15 (2) does not operate to require that a minor afterward be considered a
16 criminal by the adjudication; and

17 (3) does not operate to require that the adjudication be afterward
18 deemed a conviction, nor may a minor be charged with or convicted of a crime in a
19 court, except as provided in this chapter.

20 (b) The commitment and placement of a minor and evidence given in the court
21 are not admissible as evidence against the minor in a subsequent case or proceedings
22 in any other court, nor does the commitment and placement or evidence operate to
23 disqualify a minor in a future civil service examination or appointment in the state.

24 Sec. 47.12.170. COURT RECORDS. (a) The court shall make and keep
25 records of all cases brought before it.

26 (b) The court shall forward a record of adjudication of a violation of an
27 offense listed in AS 28.15.185(a) to the Department of Public Safety if the court
28 imposes a license revocation under AS 28.15.185.

29 (c) The name or picture of a minor under the jurisdiction of the court may not
30 be made public in connection with the minor's status as a delinquent unless authorized
31 by order of the court.

1 (d) Within 30 days of the date of a minor's 18th birthday or, if the court
2 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the
3 date on which the court releases jurisdiction over the minor, the court shall order all
4 the court's official records pertaining to that minor in a proceeding under this chapter
5 sealed, as well as records of all driver's license proceedings under AS 28.15.185,
6 criminal proceedings against the minor, and punishments assessed against the minor.
7 A person may not use these sealed records for any purpose except that the court may
8 order their use for good cause shown or may order their use by an officer of the court
9 in making a presentencing report for the court. The provisions of this subsection
10 relating to the sealing of records do not apply to records of traffic offenses.

11 (e) The court's official records under this chapter may be inspected only with
12 the court's permission and only by persons having a legitimate interest in them. A
13 person with a legitimate interest in the inspection of an official record maintained by
14 the court includes a victim who suffered physical injury or whose real or personal
15 property was damaged as a result of an offense that was the basis of an adjudication
16 or modification of disposition. If the victim knows the identity of the minor, identifies
17 the minor or the offense to the court, and certifies that the information is being sought
18 to consider or support a civil action against the minor or against the minor's parents
19 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and
20 12.61.140, allow the victim to inspect and use the following records and information
21 in connection with the civil action:

22 (1) a petition filed under AS 47.12.020(a)(2) seeking to have the court
23 declare the minor a delinquent;

24 (2) a petition filed under AS 47.12.100 seeking to have the court
25 modify or revoke the minor's probation;

26 (3) a petition filed under AS 47.12.080 requesting the court to find that
27 a minor is not amenable to treatment under this chapter and that results in closure of
28 a case under AS 47.12.080(a); and

29 (4) a court judgment or order entered under this chapter that disposes
30 of a petition identified in (1) - (3) of this subsection.

31 (f) A person who has been tried as an adult under AS 47.12.080, or the

1 department on the person's behalf, may petition the superior court to seal the records
2 of all criminal proceedings, except traffic offenses, initiated against the person, and all
3 punishments assessed against the person, while the person was a minor. A petition
4 under this subsection may not be filed until five years after the completion of the
5 sentence imposed for the offense for which the person was tried as an adult. If the
6 superior court finds that the punishment assessed against the person has had its
7 intended rehabilitative effect and further finds that the person has fulfilled all orders
8 of the court entered under AS 47.12.100, the superior court shall order the record of
9 proceedings and the record of punishments sealed. Sealing the records restores civil
10 rights removed because of a conviction. A person may not use these sealed records
11 for any purpose except that the court may order their use for good cause shown or may
12 order their use by an officer of the court in making a presentencing report for the
13 court. The court may not, under this subsection, seal records of a criminal proceeding

14 (1) initiated against a person if the court finds that the person has not
15 complied with a court order made under AS 47.12.100; or

16 (2) commenced under AS 47.12.015(a) unless the minor has been
17 acquitted of all offenses with which the minor was charged or unless the most serious
18 offense of which the minor was convicted was not an offense specified in
19 AS 47.10.015(a).

20 Sec. 47.12.180. AGENCY RECORDS. (a) Except as specified in
21 AS 47.12.190 and (b) - (g) of this section, all information and social records pertaining
22 to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession
23 of a federal, state, or municipal agency or employee in the discharge of the agency's
24 or employee's official duty, including driver's license actions under AS 28.15.185, are
25 privileged and may not be disclosed directly or indirectly to anyone without a court
26 order.

27 (b) A state or municipal agency or employee may disclose information
28 regarding a case to

29 (1) a guardian ad litem appointed by the court or to a citizen review
30 panel for permanency planning authorized by AS 47.10.400 or 47.10.420;

31 (2) a person or an agency requested to provide consultation or services

1 for a minor who is subject to the jurisdiction of the court under this chapter;

2 (3) school officials as may be necessary to protect the safety of school
3 students and staff;

4 (4) a governmental agency as may be necessary to obtain that agency's
5 assistance for the department in its investigation or to obtain physical custody of a
6 minor;

7 (5) a state or municipal law enforcement agency as may be necessary
8 for a specific investigation being conducted by that agency or for disclosures by that
9 agency to protect the public safety; and

10 (6) a victim as may be necessary to inform the victim about the
11 disposition or resolution of a case involving a minor.

12 (c) A state or municipal law enforcement agency

13 (1) shall disclose information regarding a case that is needed by the
14 person or agency charged with making a preliminary investigation for the information
15 of the court under this chapter;

16 (2) may disclose to the public information regarding a criminal offense
17 in which a minor is a suspect, victim, or witness if the minor is not identified by the
18 disclosure;

19 (3) may disclose to school officials information regarding a case as may
20 be necessary to protect the safety of school students and staff;

21 (4) may disclose to the public information regarding a case as may be
22 necessary to protect the safety of the public; and

23 (5) may disclose to a victim information, including copies of reports,
24 as necessary for civil litigation or insurance claims pursued by or against the victim.

25 (d) Upon request of a victim, the department shall make every reasonable
26 effort to notify the victim as soon as practicable in writing when a delinquent minor
27 is to be released from placement in a juvenile facility under AS 47.12.100(b)(1). The
28 notice under this subsection must include the expected date of the delinquent minor's
29 release, the geographic area in which the delinquent minor is required to reside, and
30 other pertinent information concerning the delinquent minor's conditions of release that
31 may affect the victim.

1 (e) A person may authorize the department to release information to the
2 military or to a prospective employer about the existence of a delinquency adjudication
3 against that person under this chapter and the offense on which it was based.

4 (f) The department may release to a person with a legitimate interest
5 information relating to minors not subject to the jurisdiction of the court under this
6 chapter. The department shall adopt regulations governing the release of information
7 and identifying a sufficient legitimate interest.

8 (g) The department and affected law enforcement agencies shall work with
9 school districts and private schools to develop procedures for the disclosure of
10 information to school officials under (b)(3) and (c)(3) of this section. The procedures
11 must provide a method for informing the principal or the principal's designee of the
12 school the student attends as soon as it is reasonably practicable.

13 (h) Notwithstanding (c)(3) of this section, a state or municipal law enforcement
14 agency is not required to notify the appropriate school official of a school district or
15 school under (c) of this section if the agency determines that notice would jeopardize
16 an ongoing investigation.

17 (i) In this section, "school" means a public or private elementary or secondary
18 school.

19 (j) A person who discloses confidential information in violation of this section
20 is guilty of a class B misdemeanor.

21 Sec. 47.12.190. PARENTAL RIGHT TO DISCLOSE INFORMATION. (a)
22 Notwithstanding AS 47.12.170 and 47.12.180, a parent or legal guardian of a minor
23 subject to a proceeding under this chapter may disclose confidential or privileged
24 information about the minor, including information that has been lawfully obtained
25 from agency or court files, to the governor, the lieutenant governor, a legislator, the
26 ombudsman appointed under AS 24.55, the attorney general, and the commissioners
27 of health and social services, administration, or public safety, or an employee of these
28 persons, for review or use in their official capacities. A person to whom disclosure
29 is made under this section may not disclose confidential or privileged information
30 about the minor to a person not authorized to receive it.

31 (b) The disclosure right under (a) of this section is in addition to, and not in

1 derogation of, the rights of a parent or legal guardian of a minor.

2 (c) A person who violates a provision of this section is guilty of a
3 misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or
4 by imprisonment for not more than one year, or by both.

5 Sec. 47.12.200. ARREST OF A MINOR. The arrest of a minor other than for
6 a traffic offense is not considered an arrest for any purpose except for the purpose of
7 the disposition of a proceeding arising out of that arrest.

8 Sec. 47.12.210. FINGERPRINTING OF MINORS. (a) A peace officer may
9 fingerprint a minor under the same circumstances as an adult may be fingerprinted.

10 (b) Fingerprint records taken under this section are not subject to
11 AS 47.12.180.

12 Sec. 47.12.220. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,
13 in the course of a proceeding under this chapter, it appears to the court that the welfare
14 of a minor will be promoted by the appointment of a guardian or custodian of the
15 minor's person, the court may make the appointment. The court shall have a summons
16 issued and served upon the parents of the minor, if they can be found, in a manner and
17 within a time before the hearing that the court considers reasonable. The court may
18 determine whether the father, mother, or the department shall have the custody and
19 control of the minor. If the minor is of sufficient age and intelligence to state desires,
20 the court shall consider them.

21 Sec. 47.12.230. SUPPORT OF MINOR. (a) When a delinquent minor is
22 committed under this chapter, the court may, after giving the parent or legal guardian
23 a reasonable opportunity to be heard, adjudge that the parent or guardian pay to the
24 department in a manner that the court directs a sum that is based on the fee schedule
25 adopted under AS 44.29.022 to cover in full or in part the maintenance and care of the
26 minor.

27 (b) If a parent wilfully fails or refuses to pay the sum fixed, the parent may
28 be proceeded against as provided by law in cases of family desertion and nonsupport.

29 (c) The sum collected from a parent under this section shall be directly
30 credited to the general fund of the state.

31 Sec. 47.12.240. DETENTION. (a) A minor may not be incarcerated in a

1 correctional facility that houses adult prisoners.

2 (b) When a minor is detained under this chapter, the person having
3 responsibility for the facility in which the minor is detained shall immediately make
4 reasonable attempts to notify the minor's parent, guardian, or custodian of the minor's
5 detention.

6 (c) Notwithstanding (a) of this section, a minor may be incarcerated in a
7 correctional facility

8 (1) if the minor is the subject of a petition filed with the court under
9 this chapter seeking adjudication of the minor as a delinquent minor or if the minor
10 is in official detention pending the filing of that petition; however, detention in a
11 correctional facility under this paragraph may not exceed the lesser of

12 (A) six hours; or

13 (B) the time necessary to arrange the minor's transportation to
14 a juvenile detention home or comparable facility for the detention of minors;

15 (2) if, in response to a petition of delinquency filed under this chapter,
16 the court has entered an order closing the case under AS 47.12.080(a), allowing the
17 minor to be prosecuted as an adult; or

18 (3) if the incarceration constitutes a protective custody detention of the
19 minor that is authorized by AS 47.37.170(b).

20 (d) When a minor is detained under (c)(1) or (3) of this section and
21 incarcerated in a correctional facility, the minor shall be

22 (1) assigned to quarters in the correctional facility that are separate
23 from quarters used to house adult prisoners so that the minor cannot communicate with
24 or view adults who are in official detention;

25 (2) provided admission, health care, hygiene, and food services and
26 recreation and visitation opportunities separate from services and opportunities
27 provided to adults who are in official detention.

28 (e) Notwithstanding the limitation on detention set out in (c)(1) of this section,
29 a minor whose detention is authorized by (c)(1) of this section may be detained in a
30 correctional facility for more than six hours if transportation to a juvenile detention
31 home or comparable facility for the detention of minors is not available. The minor's

1 detention for more than six hours is authorized by this subsection only if the person
2 having responsibility for the facility in which the minor is detained

3 (1) documents the reason that transportation of the minor to a juvenile
4 detention home or comparable facility is not available; and

5 (2) during the minor's detention, after learning that transportation is not
6 available, promptly notifies the appropriate officials or employees of the department
7 and the Alaska Court System of the lack of available transportation.

8 (f) A detention authorized by (e) of this section may not exceed the time
9 necessary to satisfy the requirement of (c)(1)(B) of this section.

10 (g) The provisions of AS 47.37.170(i) apply to a minor incarcerated in a
11 correctional facility when authorized by (c)(3) of this section.

12 (h) In this section,

13 (1) "correctional facility" has the meaning given in AS 33.30.901
14 whether the facility is operated by the state, a municipality, a village, or another entity;

15 (2) "official detention" has the meaning given in AS 11.81.900.

16 Sec. 47.12.250. TEMPORARY DETENTION AND DETENTION HEARING.

17 (a) A peace officer may arrest a minor who violates a law or ordinance in the peace
18 officer's presence, or whom the peace officer reasonably believes is a fugitive from
19 justice. A peace officer may continue a lawful arrest made by a citizen. The peace
20 officer may have the minor detained in a juvenile detention facility if in the opinion
21 of the peace officer making or continuing the arrest it is necessary to do so to protect
22 the minor or the community. A person having responsibility for the juvenile detention
23 facility may not unreasonably refuse to detain the minor in the juvenile detention
24 facility at the request of the peace officer making or continuing the arrest.

25 (b) A peace officer who has a minor detained under (a) of this section shall
26 immediately, and in no event more than 12 hours later, notify the court and make
27 reasonable efforts to notify the minor's parents or guardian and the department of the
28 officer's action. The department may file with the court a petition alleging delinquency
29 before the detention hearing.

30 (c) The court shall immediately, and in no event more than 48 hours later, hold
31 a hearing at which the minor and the minor's parents or guardian if they can be found

1 shall be present. The court shall determine whether probable cause exists for believing
2 the minor to be delinquent. The court shall inform the minor of the reasons alleged
3 to constitute probable cause and the reasons alleged to authorize the minor's detention.
4 The minor is entitled to counsel and to confrontation of adverse witnesses.

5 (d) If the court finds that probable cause exists, it shall determine whether the
6 minor should be detained pending the hearing on the petition or released. It may
7 either order the minor held in detention or released to the custody of a suitable person
8 pending the hearing on the petition. If the court finds no probable cause, it shall order
9 the minor released and close the case.

10 (e) Except for temporary detention pending a detention hearing, a minor may
11 be detained only by court order.

12 ARTICLE 2. NONCRIMINAL OFFENSES.

13 Sec. 47.12.300. EVADING LEGAL CUSTODY. (a) A person under 18 years
14 of age for whom the disabilities of minority have not been removed for general
15 purposes under AS 09.55.590 and who has not arrived at the age of majority under
16 AS 25.20.020 may not, without the consent of the person's parent or guardian,

17 (1) leave and be habitually absent from the custody of the person's
18 parent or guardian; or

19 (2) refuse to accept available care provided by the person's parent or
20 guardian.

21 (b) It is an affirmative defense to finding a violation under (a) of this section
22 that the minor is a child in need of aid because of conduct or lack of conduct by the
23 parent or guardian.

24 (c) Evading legal custody under this section is a violation punishable under
25 AS 47.12.400 - 47.12.430.

26 Sec. 47.12.310. EVADING DETENTION. (a) A person under 18 years of
27 age for whom the disabilities of minority have not been removed for general purposes
28 under AS 09.55.590 and who has not arrived at the age of majority under
29 AS 25.20.020 may not, while detained under a statute specified in this subsection other
30 than in circumstances that constitute official detention, refuse to accept available care
31 by leaving the place of detention without prior permission of the person's supervisor

1 or custodian; the provisions of this subsection apply to a person

2 (1) held in protective custody under AS 47.10.141(b) or in emergency
3 protective custody under AS 47.10.141(c); or

4 (2) taken into emergency custody under AS 47.10.142.

5 (b) Evading detention under this section is a violation punishable under
6 AS 47.12.400 - 47.12.430.

7 Sec. 47.12.320. CURFEW. (a) A person under 18 years of age for whom the
8 disabilities of minority have not been removed for general purposes under
9 AS 09.55.590 and who has not arrived at the age of majority under AS 25.20.020 may
10 not be in a place of amusement or entertainment or in a public place in the state, either
11 on foot or in a propelled vehicle, between the hours of 11:00 p.m. and 5:00 a.m. of the
12 following day.

13 (b) It is an affirmative defense to a violation under this section that the person
14 was

15 (1) accompanied by the person's parent or guardian;

16 (2) on an errand at the written direction of the person's parent or
17 guardian, without detour or stop;

18 (3) involved in an emergency;

19 (4) engaged in an employment activity, or going to or returning from
20 an employment activity, without detour or stop;

21 (5) attending, going to, or returning home from, without detour or stop,
22 a school, religious, or other recreational activity supervised by adults and sponsored
23 by a municipality, school district, civic organization, or another similar entity that takes
24 responsibility for the minor;

25 (6) returning from a place of public entertainment, such as a movie,
26 play, or sporting event, without detour or stop; or

27 (7) in a place of amusement or entertainment or in a public place, if
28 the place of amusement or entertainment or public place is in a municipality that has
29 adopted an ordinance establishing a curfew and the person's presence does not
30 constitute a violation of the municipality's curfew ordinance.

31 (c) Curfew violation under this section is a violation punishable under

1 AS 47.12.400 - 47.12.430.

2 Sec. 47.12.330. SCHOOL TRUANCY. (a) A person under 16 years of age
3 may not, on a weekday that is not a school holiday, be away from the school grounds,
4 as that term is defined in AS 11.71.900, of the school in which the person is enrolled,
5 without the consent of the minor's parent or guardian or a school official, during
6 school hours as established by the school board of the school district in which the
7 person is enrolled.

8 (b) It is an affirmative defense to a violation under (a) of this section that the
9 minor is not required to be in school under an exemption set out in AS 14.30.010(b).

10 (c) School truancy under this section is a violation punishable under
11 AS 47.12.400 - 47.12.430.

12 ARTICLE 3. CITATIONS.

13 Sec. 47.12.400. COMMUNITY SERVICE CITATIONS. The provisions of
14 AS 47.12.400 - 47.12.430 apply to offenses and to noncriminal conduct for which the
15 use of community service citations is authorized by AS 47.12.015(c) or by municipal
16 ordinance.

17 Sec. 47.12.410. ISSUANCE OF COMMUNITY SERVICE CITATION. (a)
18 A community service citation must indicate the number of hours of community service
19 applicable to the offense, the procedure a minor must follow in responding to the
20 citation, and a statement that, if the minor fails to successfully complete the
21 community service requirement, the minor must appear in court. In addition, a citation
22 must indicate that the minor has a right to

- 23 (1) a trial;
- 24 (2) engage counsel;
- 25 (3) confront and question witnesses;
- 26 (4) testify; and
- 27 (5) subpoena witnesses on the minor's behalf.

28 (b) The minor to whom a citation is issued under AS 47.12.015(c) shall sign
29 at least one copy of the written citation prepared by the peace officer, and the officer
30 shall deliver a copy of the citation to the minor.

31 Sec. 47.12.420. ACTION ON COMMUNITY SERVICE CITATION. (a) A

1 minor who receives a citation for which community service must be performed may
2 mail or personally deliver to the clerk of the court with appropriate jurisdiction, or to
3 the clerk of the municipality that issued the citation, the minor's written and signed
4 commitment to undertake community service as indicated on the citation for the
5 offense, together with a copy of the citation signed by the minor indicating the minor's
6 waiver of court appearance and entry of plea of no contest. A minor issued a citation
7 for a scheduled offense for which community service must be performed shall mail or
8 personally deliver the written commitment and other requirements described in this
9 subsection within 15 days of the date of the citation.

10 (b) A minor who executes a written and signed commitment to undertake
11 community service under (a) of this section shall complete the number of hours of
12 community service determined with reference to the schedule established under
13 AS 47.12.430 not later than 30 days after mailing or delivering the written
14 commitment under (a) of this section.

15 (c) When the minor required to perform community service completes the
16 number of hours of community service determined with reference to the schedule
17 established under AS 47.12.430, the minor shall mail or personally deliver to the clerk
18 of the court or clerk of the municipality in which the citation is filed by the peace
19 officer a form, prescribed by the administrative director of the Alaska Court System,
20 indicating completion of the community service.

21 (d) When proof of performance of community service has been filed with the
22 court or municipality, a judgment shall be entered. Filing proof of performance of
23 community service is a complete satisfaction for the violation. The clerk of the court
24 or clerk of the municipality accepting the form indicating proof of performance of
25 community service shall provide the minor with a receipt stating that fact, if requested.

26 (e) A citation issued under AS 47.12.410 shall be considered a summons for
27 a misdemeanor if a minor is cited for an offense for which community service must
28 be performed and the minor

- 29 (1) fails to appear in court to answer the citation; or
- 30 (2) fails

31 (A) to submit the written and signed commitment to perform

1 community service and the other requirements specified in (a) of this section
2 within the time period prescribed in (a) of this section; or

3 (B) to successfully complete the community service requirement
4 within the time allowed by (b) of this section.

5 (f) If a minor cited for an offense for which community service must be
6 performed appears in court in response to the summons and is found guilty, the penalty
7 imposed for the offense may not exceed the value of the number of hours of
8 community service required to be performed for the offense, as applicable.

9 (g) The court shall sentence a minor convicted under

10 (1) subsection (e)(1) of this section to a minimum sentence of five days
11 in a juvenile institution;

12 (2) subsection (e)(2)(B) of this subsection to a minimum sentence of
13 10 days in a juvenile institution.

14 Sec. 47.12.430. SCHEDULE. For the purposes of AS 47.12.400 - 47.12.420,
15 the required number of hours of community service for an offense or for noncriminal
16 conduct for which community service is authorized is as follows:

17 (1) concealment of merchandise under AS 11.46.220

18 (A) first citation -- 10 hours;

19 (B) second citation -- 15 hours;

20 (C) third and subsequent citations -- 25 hours each;

21 (2) criminal mischief in the third degree under AS 11.46.484(b) -- 10
22 hours;

23 (3) criminal mischief in the fourth degree under AS 11.46.486

24 (A) first citation -- 10 hours;

25 (B) second citation -- 15 hours;

26 (C) third and subsequent citations -- 25 hours each;

27 (4) disorderly conduct under AS 11.61.110

28 (A) first citation -- 10 hours;

29 (B) second citation -- 15 hours;

30 (C) third and subsequent citations -- 25 hours;

31 (5) evading legal custody under AS 47.12.300 or evading detention

1 under AS 47.12.310

2 (A) first citation -- 4 hours;

3 (B) second citation -- 6 hours;

4 (C) third and subsequent citations -- 10 hours each;

5 (6) violation of AS 47.12.320 or an ordinance of a municipality that
6 establishes a curfew

7 (A) first citation -- 6 hours;

8 (B) second citation -- 10 hours;

9 (C) third and subsequent citations -- 16 hours each;

10 (7) violation of AS 47.12.330, relating to school truancy

11 (A) first citation -- 6 hours;

12 (B) second citation -- 10 hours;

13 (C) third and subsequent citations -- 16 hours each;

14 (8) violation of a municipal ordinance described in AS 47.12.015(c)(2)
15 -- the number of hours of service required by the municipal ordinance;

16 (9) the commission of a violation or infraction described in
17 AS 47.12.015(c)(3) -- a number of hours equal to the maximum amount of the fine for
18 the violation or infraction divided by 25.

19 ARTICLE 4. YOUTH COURTS.

20 Sec. 47.12.500. YOUTH COURTS. (a) The department may use youth courts
21 to hear, determine, and dispose of cases involving a minor whose alleged act that
22 brings the minor within the jurisdiction of AS 47.12.010 - 47.12.250 constitutes a
23 violation of a state law that is a misdemeanor or a violation or that constitutes a
24 violation of a municipal ordinance that prescribes a penalty not exceeding the penalties
25 for a class A misdemeanor under state law.

26 (b) Unless otherwise directed by the commissioner, the jurisdiction of a youth
27 court is coextensive with the boundaries of the municipality in which the youth court
28 is located. Only one youth court may be established within the boundaries of a
29 municipality. Nothing in this subsection prohibits two or more municipalities from
30 operating a single youth court for the municipalities by agreement between them.

31 (c) A nonprofit corporation may obtain recognition from the commissioner to

1 serve as a youth court. The corporation may exercise only the powers that are
2 delegated to a youth court by the commissioner, and shall exercise those powers as
3 authorized by the corporation's articles of incorporation and bylaws. The bylaws of
4 the corporation must set out standards and procedures by which the corporation, in its
5 capacity as a youth court,

6 (1) establishes a system by which the minor may be held accountable
7 for the conduct that brings the minor within the jurisdiction of the youth court by
8 being tried, represented, and adjudicated by the minor's peers;

9 (2) guarantees the constitutional rights of the minor that are guaranteed
10 by the state and federal constitutions;

11 (3) may secure jurisdiction over a minor; the youth court may secure
12 jurisdiction over the minor only with the consent of the minor and the agreement of
13 the minor's legal custodian;

14 (4) sets out the process for disposing of matters referred to it for
15 resolution;

16 (5) provides a process for appeal of a verdict or sentence, and defines
17 the basis for appeals;

18 (6) reserves the right to refer to the department, under AS 47.12.040(a),
19 a matter transmitted to the youth court for disposition in which the minor fails, without
20 good cause, to comply with all requirements ordered by the youth court as a part of
21 sentence imposed on the minor; and

22 (7) prepares and delivers a report of the disposition of the matter
23 referred to it for resolution to the commissioner.

24 (d) Subject to the privileges that witnesses have in the courts of this state, the
25 commissioner may compel by subpoena, at a specified time and place, the

26 (1) appearance and sworn testimony of a person who the commissioner
27 reasonably believes may be able to give information relating to a matter before a youth
28 court; and

29 (2) production by a person of a record or object that the commissioner
30 reasonably believes may relate to a matter before a youth court.

31 (e) If a person refuses to comply with a subpoena issued under (d) of this

1 section, the superior court may, upon application of the commissioner, compel
2 obedience by proceedings for contempt in the same manner as in the case of
3 disobedience to the requirements of a subpoena issued by the court or refusal to testify
4 in the court.

5 (f) The commissioner shall make and keep records of all cases referred to a
6 youth court. The records of a youth court proceeding

7 (1) relating to a minor who complies with all requirements ordered by
8 the youth court as a part of sentence imposed on the minor shall be sealed by the
9 commissioner and may not be used for any purpose; and

10 (2) except as to a record described in (1) of this subsection, shall be
11 afforded at least the same protection and are subject to at least the same procedural
12 safeguards in matters relating to access, use, and security as they would be under
13 AS 47.12.180.

14 ARTICLE 5. COMMUNITY INTERVENTION COURTS.

15 Sec. 47.12.550. COMMUNITY INTERVENTION COURTS. (a) In a
16 municipality or combination of municipalities in which a community intervention court
17 is established, the community intervention court may hear, determine, and dispose of
18 cases involving a minor whose alleged act that brings the minor within the jurisdiction
19 of AS 47.12.010 - 47.12.250 constitutes a violation of a state law that is a
20 misdemeanor or a violation or that constitutes a violation of a municipal ordinance that
21 prescribes a penalty not exceeding the penalties for an offense that is a class A
22 misdemeanor under state law.

23 (b) The jurisdiction of a community intervention court is coextensive with the
24 boundaries of the municipality or combination of municipalities in which the court is
25 located. Nothing in this subsection prohibits two or more municipalities from
26 operating a single community intervention court for the municipalities by agreement
27 between them.

28 (c) A community intervention court may exercise only the powers that are
29 required of it by this section and the powers that are set out in the ordinance
30 establishing it.

31 (d) A community intervention court shall adjust or dispose of a matter

1 involving a minor that has been referred to it. To adjust or dispose of a matter, the
2 court and the minor shall enter into an agreement that sets out all requirements set by
3 the court as a part of its adjustment or disposition to which the minor agrees. To that
4 end, the court and the minor may agree that the minor

5 (1) perform community service;

6 (2) make suitable restitution;

7 (3) obtain counseling or treatment when the circumstances described
8 in AS 47.12.560 indicate the need for counseling or treatment, or when the court and
9 the minor agree that counseling or treatment is otherwise appropriate.

10 (e) The ordinance establishing the community intervention court must set out
11 standards and procedures by which the court,

12 (1) establishes a system by which the minor may be held accountable
13 for the conduct that brings the minor within the jurisdiction of the court;

14 (2) guarantees the constitutional rights of the minor that are guaranteed
15 by the state and federal constitutions;

16 (3) may secure jurisdiction over a minor; unless otherwise provided by
17 law, the court may secure jurisdiction over the minor only with the consent of the
18 minor and the agreement of the minor's legal custodian;

19 (4) sets out the process for disposing of matters referred to it for
20 resolution;

21 (5) provides a process for appeal of a verdict or sentence, and defines
22 the basis for appeals;

23 (6) reserves the right to refer to the department, under AS 47.12.040(a),
24 a matter transmitted to the court for disposition in which the minor fails, without good
25 cause, to comply with all requirements ordered by the court as a part of sentence
26 imposed on the minor; and

27 (7) prepares and delivers a report of the disposition of the matter
28 referred to it for resolution to the commissioner.

29 (f) Subject to the privileges that witnesses have in the courts of this state, the
30 community intervention court may compel by subpoena, at a specified time and place,
31 the

1 (1) appearance and sworn testimony of a person who the court
2 reasonably believes may be able to give information relating to a matter before it; and

3 (2) production by a person of a record or object that the court
4 reasonably believes may relate to a matter before it.

5 (g) If a person refuses to comply with a subpoena issued under (f) of this
6 section, the superior court may, upon application of the presiding official of the
7 community intervention court, compel obedience by proceedings for contempt in the
8 same manner as in the case of disobedience to the requirements of a subpoena issued
9 by the superior court or refusal to testify in the superior court.

10 (h) The community intervention court shall make and keep records of all cases
11 referred to it. The records of a court proceeding

12 (1) relating to a minor who complies with all requirements ordered by
13 the community intervention court as a part of sentence imposed on the minor shall be
14 sealed by the commissioner and may not be used for any purpose; and

15 (2) except as to a record described in (1) of this subsection, shall be
16 afforded at least the same protection and are subject to at least the same procedural
17 safeguards in matters relating to access, use, and security as they would be under
18 AS 47.12.180.

19 Sec. 47.12.560. COUNSELING AND TREATMENT. (a) A community
20 intervention court may require a minor to obtain and engage in counseling or
21 treatment. If it determines that counseling or treatment services would be appropriate
22 to the situation, the community intervention court may require one or more members
23 of the minor's family or household to accompany the minor in counseling or treatment.

24 (b) For the purposes of identifying minors who are habitual violators and
25 providing a means to reform that habitual conduct, in addition to other penalties that
26 may be imposed by law, for an offense or for noncriminal conduct described in this
27 subsection, a community intervention court shall require a minor and the minor's
28 family to obtain and engage in appropriate family counseling or treatment whenever
29 the minor obtains, within any consecutive 24-month period, 24 or more points as a
30 result of offenses committed during the period. Notice of each assessment of points
31 may be given, but notice shall be given to the minor by first class mail when the point

1 accumulation reaches 18. For purposes of this subsection, points to be accumulated
2 are as follows:

- 3 (1) concealment of merchandise under AS 11.46.220
 - 4 (A) first citation -- 4 points;
 - 5 (B) second citation -- 20 points;
 - 6 (C) third and subsequent citations -- 30 points each;
- 7 (2) criminal mischief in the third degree under AS 11.46.484(b) -- 4
8 points;
- 9 (3) criminal mischief in the fourth degree under AS 11.46.486
 - 10 (A) first citation -- 4 points;
 - 11 (B) second citation -- 6 points;
 - 12 (C) third and subsequent citations -- 10 points each;
- 13 (4) disorderly conduct under AS 11.61.110
 - 14 (A) first citation -- 4 points;
 - 15 (B) second citation -- 6 points;
 - 16 (C) third and subsequent citations -- 10 points each;
- 17 (5) violation of a municipal ordinance described in AS 47.12.015(c)(2)
18 -- a number of points equal to the number of hours of service required by the
19 municipal ordinance;
- 20 (6) the commission of a violation or infraction described in
21 AS 47.12.015(c)(3) -- a number of points equal to the maximum amount of the fine
22 for the violation or infraction divided by 25.

23 (c) When counseling or treatment is required by this section, the parent or
24 guardian of the minor has the right to choose and may exercise the choice of obtaining
25 counseling or treatment from any source without limitation, including counseling or
26 treatment from or in accordance with the tenets of a church or religious denomination.

27 Sec. 47.12.599. DEFINITION. In AS 47.12.550 - 47.12.599, "court" means
28 a community intervention court.

29 ARTICLE 6. ADMINISTRATION.

30 Sec. 47.12.800. COMMUNITY SERVICE ADMINISTRATORS. The
31 department may employ or may contract for the services of community service

1 administrators. Community service administrators shall

2 (1) carry out duties in the care and treatment of minors that are
3 consistent with the intent of this chapter;

4 (2) implement AS 47.12.400 - 47.12.430 by

5 (A) developing sites at which a minor may perform community
6 services;

7 (B) training volunteer work supervisors; and

8 (C) maintaining records; and

9 (3) assist and advise the courts and the department in the furtherance
10 of the welfare and control of minors under the jurisdiction of the court or the
11 department.

12 ARTICLE 7. GENERAL PROVISIONS.

13 Sec. 47.12.990. DEFINITIONS. In this chapter, unless the context otherwise
14 requires,

15 (1) "commissioner" means the commissioner of health and social
16 services;

17 (2) "court" means the superior court of the state;

18 (3) "crime against a person" means an offense set out in AS 11.41;

19 (4) "delinquent minor" means a minor found to be within the
20 jurisdiction of the court under AS 47.12.010;

21 (5) "department" means the Department of Health and Social Services;

22 (6) "juvenile detention facility" means separate quarters within a city
23 jail used for the detention of delinquent minors;

24 (7) "juvenile detention home" or "detention home" is a separate
25 establishment, exclusively devoted to the detention of minors on a short-term basis and
26 not a part of an adult jail;

27 (8) "juvenile work camp" means a separate residential establishment,
28 exclusively devoted to the detention of minors, in which the minors who are 16 years
29 of age or older and committed to the custody of the department and placed in the
30 facility may be required to labor on the buildings and grounds or perform any other
31 work or engage in any activities that do not conflict with regulations adopted by the

1 Department of Health and Social Services under this chapter for the care,
2 rehabilitation, education, and discipline of minors in detention;

3 (9) "minor" means a person under 18 years of age;

4 (10) "treatment facility" means a hospital, clinic, institution, center, or
5 other health care facility that has been designated by the department for the treatment
6 of juveniles;

7 (11) "victim" has the meaning given in AS 12.55.185.

8 * **Sec. 59.** AS 47.17.290(8) is amended to read:

9 (8) "maltreatment" means an act or omission that results in
10 circumstances in which there is reasonable cause to suspect that a child may be a child
11 in need of aid, as described in AS 47.10.010(a) [AS 47.10.010(a)(2)], except that, for
12 purposes of this chapter, the act or omission need not have been committed by the
13 child's parent, custodian, or guardian;

14 * **Sec. 60.** AS 47.33.010(b) is amended to read:

15 (b) Notwithstanding (a) of this section, this chapter does not apply to

16 (1) a correctional facility;

17 (2) a facility for treatment of alcoholism that is regulated under
18 AS 47.37;

19 (3) an emergency shelter;

20 (4) a medical facility, including a nursing home, licensed under
21 AS 18.20;

22 (5) a program for runaway minors licensed under AS 47.10.310
23 [AS 47.10]; or

24 (6) a maternity home licensed under AS 47.35.

25 * **Sec. 61.** AS 47.33.990(3) is amended to read:

26 (3) "adult" means a person 18 years of age or older who is not a ward
27 of the **court** [STATE] under AS 47.10.080(f) or AS 47.12.100(d) [AS 47.10.080];

28 * **Sec. 62.** AS 47.40.011(a) is amended to read:

29 (a) When the department purchases residential services for minors for whom
30 the state has assumed responsibility under AS 47.10 or AS 47.12, the department shall

31 (1) purchase the services only under grants to local governmental units

1 or nonprofit corporations;

2 (2) award grants for a specified number of beds as provided in
3 AS 47.40.041.

4 * **Sec. 63.** AS 47.10.010(b), 47.10.010(d), 47.10.010(e), 47.10.020(d), 47.10.050(b),
5 47.10.060, 47.10.070(b), 47.10.075, 47.10.080(b), 47.10.080(h), 47.10.081(a), 47.10.090(b),
6 47.10.093(d), 47.10.093(e), 47.10.095, 47.10.097, 47.10.130, and 47.10.265 are repealed.

7 * **Sec. 64.** AS 47.12.030(d), added by sec. 58 of this Act, has the effect of amending that
8 provision of Rule 3(b), Alaska Delinquency Rules, declaring that the presence of the minor's
9 parent or guardian is preferred by giving the minor's parent or guardian a right to be present
10 in a proceeding before a court to which the Alaska Delinquency Rules apply.

11 * **Sec. 65.** Rule 23(d), Alaska Delinquency Rules, is amended to read:

12 (d) ORDER. **The court shall enter** [IN] its disposition order **taking into**
13 **account the provisions of AS 47.12.120** [, THE COURT SHALL ORDER THE
14 LEAST RESTRICTIVE ALTERNATIVE DISPOSITION UNDER AS 47.10.080(b)
15 THAT ADDRESSES THE JUVENILE'S TREATMENT NEEDS AND PROTECTS
16 THE PUBLIC].